



THE NATIONAL ASSOCIATION OF
WORKERS' COMPENSATION JUDICIARY, INC.
PRESENTS

15TH ANNUAL NATIONAL WORKERS' COMPENSATION JUDICIARY COLLEGE

PROGRAM AGENDA

AUGUST 19, 20 & 21, 2024

THE ORLANDO WORLD CENTER MARRIOTT,
ORLANDO, FLORIDA

ORGANIZATION

The National Association of Workers' Compensation Judiciary, Inc. (NAWCJ) is a professional nonprofit organization devoted exclusively to the adjudication of workers' compensation matters at the trial and appellate level. Since its formation in 2008, NAWCJ has sought to provide a national forum for the enhancement of the workers' compensation adjudicatory process and justice system; the improvement of the judicial skills of workers' compensation judges, adjudicators, and administrators through its educational conferences and publications; and the opportunity for these adjudicators and officials nationwide to periodically meet and discuss issues of mutual concern in a supportive environment.

NAWCJ is committed to diversity and a national presence in its officers and membership, and welcomes current and former state, federal, and local judges, administrative law judges, hearing officers, referees, commissioners, and agency heads, including appellate authorities. Members have come from the following states: Arkansas, Arizona, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming. Associate non-voting membership is open to attorneys, law professors, and other professionals involved in the field of workers' compensation law.

MISSION

The mission and goals of NAWCJ are:

- To provide high quality educational training and forums to workers' compensation adjudicators and administrators on matters unique to this system of justice and commonality of issues, regardless of the differing states' substantive workers' compensation laws;
- To develop strong working relationships with other professional organizations that share NAWCJ's objectives for the advancement of workers' compensation law and the improvement of its justice system;
- To develop mutual professional relationships and exchanges of information among its membership;
- To promote scholarly research and discussion regarding issues of common interest to the nation's workers' compensation adjudicators; and
- To monitor changes in the states' workers' compensation legislation and executive directives that impact the adjudication of workers' compensation claims and, when requested by these authorities, to address matters for improvement of the justice system;

It is also the association's objective to work with other educational-based groups in providing leadership and promote justice within the workers' compensation system. NAWCJ presents, in partnership with other organizations, its National Workers' Compensation Judiciary College in conjunction with the annual Workers' Compensation Educational Conference (established in 1949 and currently attracting approximately 7,000 attendees). The educational conference will take place in August this year at the Marriott World Center in Orlando, Florida. As a part of the association's Judiciary College, attendees are permitted to participate in the educational conference, one of the largest gatherings of workers' compensation professionals in the United States, taking advantage of breakouts and the exhibitor halls. For information concerning the annual Workers' Compensation Educational Conference, please refer to its website at www.wci360.com. Continuing legal education credits will be applied for from the various jurisdictions represented by attendees.

WWW.NAWCJ.ORG

GENERAL INFORMATION

The date of the National Workers' Compensation Judiciary College has been set for August 19, 20 & 21, 2024. The College will be held at The Orlando World Center Marriott, 8701 World Center Drive, Orlando, FL 32821, in conjunction with the 78th Annual Workers' Compensation Educational Conference.

PROGRAM:

The program for the Judiciary College is designed to address issues uniquely related to the adjudication of workers' compensation matters allowing participants to interact with others from different jurisdictions on issues of common concern. Although NAWCJ allows associate membership, the College is exclusively for workers' compensation adjudicators and administrators (both at the trial and appellate levels), allowing for a free and open interchange of ideas to improve the adjudicatory process in workers' compensation systems throughout the country. The Judiciary College program will also take advantage of select courses presented by the concurrent Workers' Compensation Educational Conference. For a copy of the complete program of the Workers' Compensation Educational Conference, go to www.wci360.com.



ENTERTAINMENT:

Fortunately, the College is not an “all work and no play” experience. This year, on Monday night, the Conference presents Daughtry. Complimentary heavy hors d’oeuvres and beverages will be served.

CONTINUING LEGAL EDUCATION INFORMATION:

Continuing legal education credits will be available to the attendees of the Judiciary College. When registering, please note the jurisdiction or association from which you seek certification.

SHUTTLE:

Complimentary shuttle service will be provided between the Marriott and the Caribe as follows: Sunday 7:00 am – 11:30 pm, Monday 7:00 am – 11:30 pm, Tuesday 7:30 am – 6:30 pm, and Wednesday 7:30 am – 5:00 pm.

ASSOCIATION MEMBERSHIP:

The mission statement for the National Association of Workers’ Compensation Judiciary, Inc. (NAWCJ) is contained in this brochure. Association membership is encouraged by members of the judiciary and the non-judiciary. Annual membership fees for the judiciary is \$75.00 per year, which is included in the College Registration Fee, or \$195 for three years. Associate membership for the non-judiciary members is \$250.00 per year.



SPONSORSHIPS

Sponsorships in support of the educational efforts of the Judiciary College are available in the following categories:

Judiciary College Sponsorship - \$1000

- Acknowledgement in the Judiciary College materials
- Logo on a sign inside the Judiciary College classroom
- Video and verbal acknowledgement at the Judiciary College
- Attend the reception with the judges and regulators
- Acknowledgement on the NAWCJ website
- Acknowledgement in NAWCJ's Lex and Verum newsletter
- Table-Top Booth (limited number of booths available)

Table-Top Booth - \$500

- Includes a 6 ft. draped table and a chair
- Acknowledgement in the Judiciary College materials

Beverage Break Sponsorship - \$250 per break; \$500 per day

Each Beverage Break Sponsorship includes:

- A sign with company logo posted at the break station and a small cocktail table for company materials
- Acknowledgement in the Judiciary College materials

Beverage breaks will be held in the foyer for the following dates/times:

Monday, August 19th

9:50 – 10:00 a.m.
1:30 – 2:00 p.m.
2:50 – 3:00 p.m.
3:50 – 4:00 p.m.

Tuesday, August 20th

10:50 – 11:00 a.m.
11:50 – 12:00 p.m.
2:00 – 2:10 p.m.
3:00 – 3:10 p.m.

Wednesday, August 21st

9:50 – 10:00 a.m.
10:50 – 11:00 a.m.

PROGRAM AGENDA

MONDAY, AUGUST 19, 2024

8:00 – 8:50 am **Registration**
Outside of Grand Ballrooms 1 - 6,
Convention Level

NATIONAL WORKERS' COMPENSATION JUDICIARY COLLEGE

Limited to Workers' Compensation Adjudicators and Regulators only.
Grand Ballrooms 4 - 6, Convention Level

8:50 – 9:00 am **Welcome and Introductions**

9:00 – 9:50 am **Rethinking Evidentiary Rules
for Workers' Compensation
Courts**

Edward Cheng
Professor, Vanderbilt University

A growing number of states have chosen to apply the traditional rules of evidence to workers' compensation proceedings despite their poor fit with a context involving bench trials and frequent pro se litigants. In this session, we discuss the possibility of drafting a set of model evidentiary rules designed specifically for workers' compensation courts. We offer thoughts on what these rules might look like as well as next steps for such a project.

10:00 – 11:50 am **Readable Legal Writing**

Wayne Schiess
*Senior Lecturer, University of Texas
School of Law*

A goal of high-quality legal writing is to write for your audience—the reader. Sometimes, your readers are busy, impatient, or skeptical. But readable legal writing can overcome those obstacles, and this session will present dozens of techniques for writing readably. The techniques include practical “how to” suggestions and empirical research that supports the suggested techniques.

11:50 – 12:40 pm **Annual Business Meeting
and Lunch**

Grand Ballrooms 1-2

12:40 – 1:30 pm

**You've Heard the Bark,
Now Feel the Bite! A Multi-
Jurisdictional Panel Discussion
of Enforcement of Rules,
Orders and Judgements**

Michael Feeney
*Judge, Rhode Island Workers'
Compensation Court*

Fred Carney, Jr.
*Judge, District of Columbia Government
Department of Employment Services,
Labor Standards Division*

Amanda Luedtke
*Judge, Office of Worker's Compensation,
Wisconsin Division of Hearings and
Appeals*

Bruce Moore
*Judge, Kansas Department of Labor,
Division of Workers' Compensation*

James Szablewicz
*Chief Deputy Commissioner,
Virginia Workers' Comp. Commission*

This panel will discuss and share various methods utilized to enforce our Rules, Orders and Judgements. We all get frustrated when parties don't timely comply with our Rules, Orders and Judgements. We simply want parties to do what they have been ordered to do in a timely manner, but that doesn't always occur. Learn how various jurisdictions approach these issues and maintain the respect of the Bar.

2:00 – 2:50 pm

**From Advocate to
Adjudicator: The Jump
from Lawyer to Judge**

Michael Alvey
*Chairman, Kentucky Workers'
Compensation Board*

Pamela Johnson
*Judge, Tennessee Court of Workers'
Compensation Claims*

After grueling years in law school and practice, we all adapted to the role of advocate. We learned to “think like a lawyer.” Every lawyer has tools, tricks, and practices that make one successful as an advocate. With far less time to transition, a new judge must learn to think like an adjudicator and leave the role of advocate behind.

This transition must be made in the way one thinks, researches, and writes. A judge's involvement in a case is vastly different than a lawyer's involvement. Issues can occupy attorneys for months or years, but before the Court, the judge addresses and resolves the issues quickly. Join this panel for a lively and interactive discussion of the challenges new judges face and learn to successfully transition from advocate to adjudicator.

3:00 – 3:50 pm **Judging in the Moment**

Bruce Moore
*Judge, Kansas Department of Labor,
Division of Workers' Compensation*

Attendees will view scripted videos of mock hearings with various scenarios commonly seen in workers' compensation disputes. Judge Moore will then lead a lively discussion with the attendees to examine ways to address the issues presented in the videos.

4:00 – 4:50 pm **Practical Considerations for Video Hearings**

Marc Grodsky
Judge, New York State Workers' Compensation Board

Stephanie Kinney
*Judge, Commonwealth of Kentucky/
Department of Workers' Claims*

This presentation delves into the logistical, technological, and procedural aspects of conducting legal proceedings remotely. It addresses challenges such as ensuring secure connections, managing evidence sharing, and maintaining courtroom decorum in a virtual environment, offering insights to optimize the efficiency and effectiveness of video hearings.

5:00 – 6:00 pm **NAWCJ and SAWCA Reception**
Grand Ballrooms 1-2

7:00 – 11:00 pm **WCI Reception and Entertainment**

Palms Ballrooms - Sabal, Sago & Royal
Convention Level

Featured Entertainment:
Daughtry

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

TUESDAY, AUGUST 20, 2024

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

NATIONAL WORKERS' COMPENSATION JUDICIARY COLLEGE

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Grand Ballrooms 4 - 6, Convention Level

8:45 – 9:45 am **Mystery Live Surgery**
Palms Ballroom – Canary

Michael Jablonski
*Orthopedic Surgeon & President,
Orlando Health Jewett Orthopedic Institute*

Live From the OR! Experience the intensity and mystery of this year's WCI Conference Live surgery event as the world-renowned Orlando Health Jewett Orthopedic Institute expert surgeons perform life-changing procedures with precision and innovation LIVE FROM THE OR. Be part of the buzz as we unveil groundbreaking techniques and unlock the secrets to successful orthopedic care. The type of surgery is a MYSTERY and will be unveiled to the attendees!

10:00 – 10:50 am **Access to Justice: Helping Litigants Navigate the Workers' Compensation Process**

Stephanie Kinney
*Judge, Commonwealth of Kentucky/
Department of Workers' Claims*

Shannon Bruno-Bishop
*Judge, Louisiana Workforce
Commission, Workers' Compensation*

Robert Rassp
*Judge, Workers' Compensation Appeals
Board, California Department of
Industrial Relations*

Lorraine D'Angelo
*Ombudsman, Virginia Workers'
Compensation Commission*

Given most people's unfamiliarity with the workers' compensation process in any particular state, many parties, and in particular self-represented employees, see the workers' compensation system as a daunting challenge with many obstacles. In this session, our panelists will discuss the resources and tools provided by various states to assist parties in effectively navigating the workers' compensation system to ensure all parties have fair and equal access to the dispute resolution process.

11:00 – 11:50 am **The Good, The Bad, and the Ugly: Bizarre, Unusual, and Pivotal Workers' Compensation Cases from 2023 and 2024**

Wesley Marshall
Commissioner, Virginia Workers' Compensation Commission

Commissioner Marshall will lead a lively, interactive discussion of bizarre, interesting, and pivotal workers' compensation cases from across the country for 2023 and 2024. There will be plenty of opportunities to ponder and learn. Don't miss the chance to weigh in and offer your opinion on why some workers' compensation courts got it right or got it wrong!

12:00 – 1:00 pm **Lunch**

Grand Ballrooms 1-2

1:00 – 2:00 pm **Ethics for Workers' Compensation Judges**

Iliana Forte
Judge, Florida Office of the Judges of Compensation Claims

Steven Minicucci
Judge, Rhode Island Workers' Compensation Court

William Culbreth
Deputy Commissioner, Virginia Workers' Compensation Commission

Robert Himmel
Deputy Commissioner, Virginia Workers' Compensation Commission

Workers' compensation law is often treated like an orphan in the legal world. A specialized area of the law that does not quite fit in with any other areas of practice. In many instances, this isolation carries over to the agencies that adjudicate workers' compensation claims and the foundation of their ethical governance. Some workers' compensation adjudicators fall under an executive agency, others are part of an independent agency, while some fall squarely within the judicial branch. We will discuss origins of judicial governance in different jurisdictions and their application to different hypothetical scenarios.

2:10 – 3:00 pm **Employee Leasing Agreements: General and Special Employers-Peeling an Onion**

Robert Rassp
Judge, Workers' Compensation Appeals Board, California Department of Industrial Relations

Professional Employer Organizations (PEOs) have emerged in the modern economy under the general rubric of "employee leasing." In many industries, such as the entertainment, supply chain logistics, farming, and service industries, the need for labor fluctuates based on operational needs. Workers' compensation professionals have a huge learning curve to understand the relationship between injured workers and the determination of who is responsible for work injuries when the injured worker is a "leased" employee. Sometimes the analysis of workers' compensation liability is like peeling an onion, with many separate entities involved with a given claim. This program unpeels the onion for the audience and explains how insurance laws govern liability for general and special employers.

3:10 – 4:00 pm **Expanding Access to Alternative Dispute Resolution**

William Culbreth
Deputy Commissioner, Virginia Workers' Compensation Commission

David Langham
Deputy Chief Judge, Florida Office of Judges of Compensation Claims

Carolyn Slowikowski
Attorney, Mediator, Florida Office of the Judges of Compensation Claims

Jason Cording
Deputy Commissioner, Virginia Workers' Compensation Commission

In some states, the percentage of pro se claims can reach as high as 30% of the docket. Many of these cases could and should be resolved before ever getting to trial. Although various jurisdictions offer some form of ADR services, pro se litigants are often denied the opportunity to participate fully with a trained mediator. This panel will discuss ways to provide ADR services, including settlement conferences, to pro se litigants through limited scope appointments and other mechanisms.

6:00 – 8:00 pm **NAWCJ Dinner**
Smokey Bones

WEDNESDAY, AUGUST 21, 2024

8:00 – 12:00 pm **Registration**
Outside of Grand Ballrooms 1 - 6,
Convention Level

NATIONAL WORKERS' COMPENSATION JUDICIARY COLLEGE

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Grand Ballrooms 4 - 6, Convention Level

9:00 – 9:50 am **Judges' Perspectives on
Courtroom Management and
Security**

Jason Cording
*Deputy Commissioner, Virginia
Workers' Compensation Commission*

Heide Mallon
*Judge, Office of Worker's Compensation,
Wisconsin Division of Hearings and
Appeals*

Shannon Bruno-Bishop
*Judge, Louisiana Workforce
Commission, Workers' Compensation*

Workers' compensation judges often face different challenges in the courtroom compared to traditional courts, particularly when it comes to security and other staffing issues. This panel will lead an interactive discussion on courtroom management and security issues commonly faced by workers' compensation adjudicators. We will discuss these concerns and share tools that we can use to effectively manage our courtrooms and address security concerns.

10:00 – 10:50 am **Ensuring Justice is Not Lost
in Translation**

Colleen Bero-Lehmann
*Judge/Mediator, Office of Worker's
Compensation, Wisconsin Division of
Hearings and Appeals*

Lynne Ferris
*Deputy Commissioner, Virginia
Workers' Compensation Commission*

Victor Hertz
President & CEO, Legal Language Services

We live in an ever-growing multilingual society. For those with limited English proficiency or with a hearing impairment, communication barriers impact all facets of their lives. To guarantee their access to justice, we must ensure interpreters are available so language and communication difficulties do not prevent injured workers from pursuing their compensation claims. This panel will discuss the challenges and best practices for working with interpreters and injured workers.

11:00 – 11:50 am **Mental Health/Mindfulness
for Judges**

John Lesko
*Outreach & Interventions
Representative, Florida Lawyers Assistance*

Melissa Distler
Judge, Seventh Judicial Circuit of Florida

The session will explore the stress attendant to being a legal professional (or judge), potential problems that can be caused by the natural stress response that is innate to all humans, and ways that legal professionals can achieve greater success, happiness and fulfillment by prioritizing self-care to any degree.

11:50 – 12:00 pm **Closing Comments and
Adjournment**

REGISTRATION FORM

Name

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

Title

Business Mailing Address

Agency Website

City

State

ZIP

Telephone Number

Fax Number

Email Address

Continuing Legal Education or Bar License Number

State/Jurisdiction/Association

Will you attend the lunch on Monday, August 19, 2024? ☐ Yes ☐ No

Will you attend the lunch on Tuesday, August 20, 2024? ☐ Yes ☐ No

Will you attend the dinner at Smokey Bones on Tuesday, August 20, 2024? ☐ Yes ☐ No

If yes, do you need transportation to Smokey Bones? ☐ Yes ☐ No Cell number: _____

☐ Check here if you have special needs that require attention.

HOTEL ACCOMMODATIONS: For your convenience a block of sleeping rooms has been reserved at the Caribe Royale Resort & Conference Center (8101 World Center Drive, Orlando, FL 32821) for this event. The sleeping room rate is \$140.00 single/double per night, plus tax. Cut-off date is July 15, 2024. Shuttle service will be provided to and from the Marriott World Center from the Caribe. The Caribe has a self-parking fee of \$20.00, plus tax, per day for overnight guests, plus a resort fee of \$20 per night, which includes wifi. Valet parking \$40.00 per night. To make your reservation go to <https://book.passkey.com/e/50737479>. Sleeping rooms must be confirmed with credit card along with first night's deposit, refundable up to 3 days in advance of arrival. Checkout prior to guest's reserved checkout date will result in an early checkout fee equal to 1 night's room, plus tax.

COLLEGE REGISTRATION FEE: Advance Registration for Members of NAWCJ - \$225; \$265 after July 19, 2024. Advance Registration for Non-Members of NAWCJ - \$350; \$360 after July 19, 2024. Call for discounted registration fees for five or more attendees from the same agency.

ASSOCIATION MEMBERSHIP: To become a member of NAWCJ please select from the following:

☐ Member \$75 - one year (Workers' Compensation Judges)

☐ Associate Member \$250 - one year

☐ Member \$195 - three years (Workers' Compensation Judges)

SPONSORSHIPS: Please select sponsorship type:

☐ Judiciary College Sponsorship \$1000

☐ Table-Top Booth \$500

Beverage Break Sponsorship - ☐ \$250 per break ☐ \$500 per day

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 AVAILABLE 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 16126, Tallahassee, Florida 32317; fax form to (850) 583-3610; 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, lunches, dinner at Smokey Bones, and participation in the Annual Workers' Compensation Educational Conference. The registration fee is \$225.00 for members of the NAWCJ; \$350.00 for non-members. Onsite Registration is \$265.00 for NAWCJ members; \$360.00 for non-members, or if received after July 19, 2024. For more information, contact the National Association of Workers' Compensation Judiciary at (850) 528-3539. This is a "business casual" program. **YOU MUST BE AN ADJUDICATOR OR REGULATOR TO ATTEND.**

Contributions, gifts or dues to the National Association of Workers' Compensation Judiciary are not deductible as charitable contributions for federal income tax purposes.

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