

STATE OF FLORIDA

Division of Administrative Hearings



2007 Annual Report of the
Office of the Judges of Compensation Claims

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| Settled case | 28.39% (decrease from 28.96% last year) | |
| Number of Continuances Granted for Mediations | | 18 |
| Continuances | 2,336 (decrease from 4,756 last year) | |
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The OJCC Mission:

To maintain a statewide mediation and adjudication system for the efficient and timely resolution of disputed workers’ compensation claims.

Introduction:

This report of the Office of the Judges of Compensation Claims (“OJCC”) is published pursuant to Fla. Stat. §440.45(5).¹ The OJCC made unprecedented strides and progress during fiscal 2006-07. The collective and individual achievements of this Office are described herein. Several important themes underlie every 2006-07 success: training, teamwork, responsibility, and public service. The OJCC has striven for the last year to provide training and education to every Judge. The educational opportunities for Judges in 2006-07 included continuing legal education historically offered and added workflow and office management issues never previously addressed. Significant centralized educational opportunities were provided to OJCC office staff for the first time in 2006-07. Teamwork was manifest in many Judges volunteering to hear cases in other high-volume districts. This “visiting

Judge” process had been previously employed during extended judicial vacancies, but 2006-07 marked the first time such systemic intra-district teamwork and cooperation was exhibited. Similarly, 2006-07 included extensive intra-district staff assistance and cooperation, including instances of clerical work being transferred from high-volume districts, and intra-district travel by OJCC central office and district staff.

This training, focused management, and dynamic human resource allocation produced significant gains in the OJCC’s ability to provide the Judges, with information, statistics and measures to assess individual workload and performance across broad categories of OJCC responsibilities. Finally, 2006-07 marked a long overdue rededication of this Office to the premise that the OJCC exists to serve Floridians. The OJCC recognizes that injured workers, their employers, and the counsel that represent them are the purpose of this Office. Collectively, these achievements and rededication are the foundation upon which this Office will build ever better performance and public service for years to come. Notably, these achievements have resulted from careful and diligent management of existing fiscal resources. This fiscal management stands in tribute to the nature and extent of budgetary and management expertise that has been delivered to the OJCC by the Division of Administrative Hearings.

Overview of Florida Workers’ Compensation:

Florida Workers' Compensation is a self-executing system defined by [Chapter 440, F.S.](#)² The purpose of workers' compensation is to provide individuals injured at work with certain defined benefits for the treatment of the resulting medical condition(s) and for replacement of a portion of the wages lost as a result of the accident. Chapter 440, F.S. defines who participates in the workers' compensation system, and delineates the participant’s rights and responsibilities. The primary participants in this system are Florida’s employers and their employees. Some employers purchase workers’ compensation insurance from a “carrier.” These are therefore often collectively referred to as the “employer/carrier” or the “E/C.” Other employers are “self-insured,” but have their claims administered or managed by an outside entity, commonly called “servicing agents.” These are therefore often referred to collectively as “E/SA.” For the purposes of this report, references to E/C should be interpreted to refer to employers, carriers, and servicing agents collectively unless some distinction between insured and self-insured is specifically stated.

The OJCC is part of the Division of Administrative Hearings, referred to throughout this Report as DOAH. The [2005-06 Annual Report of the Office of Judges of Compensation Claims](#)³ (OJCC) outlines the interrelationship between the OJCC, the [Division of Workers' Compensation](#)⁴ (DWC), and the [Department of Financial Services](#) (DFS). The OJCC structure is also further discussed in that report, as is the historical background of this Office. The litigation process for most Florida workers’ compensation disputes begins with the filing of a pleading called the petition for benefits, or “PFB.” That term is used extensively in this report.

Data Collection and Reporting:

This report is produced and published pursuant to statutory mandate. [Fla. Stat. §440.45\(5\)](#). The data in this report is dependent for accuracy upon the efforts of district staff working in seventeen counties throughout Florida. [The 2005-06 OJCC Annual Report](#) describes prior data flaws resulting from outdated hardware, outdated software and long neglect of staff training prior to the transfer of the OJCC to the DOAH in 2001. During fiscal year 2006-07, the OJCC devoted significant resources to training district staff in diligent record-keeping and the appropriate characterization of data submitted to the OJCC database. An illustrated manual (the OJCC User Manual) was published and electronically distributed (to minimize expense) to each OJCC employee in 2006. In January 2007, staff training was held in Tallahassee. It is believed that this effort was the first such gathering of district office staff for intensive training. In March 2007, district staff from St. Petersburg, Tampa, Sarasota, Ft. Myers, and Lakeland gathered for additional training in the Tampa district office. In May 2007, district staff from Orlando, Melbourne, and Daytona gathered in Orlando for similar training. Significant opportunities for such training are also planned for fiscal year 2007-08, subject to budget constraints. These efforts were directed at promoting

consistent data input in each of the thirty-two divisions, operating in seventeen Florida counties. Compliance with the OJCC User Manual should result in reduction or even elimination of inconsistent data input, and ultimately should result in the OJCC reporting more accurate and replicable data in future reports.

Despite these significant efforts at uniformity, some OJCC employees did not comply with the published OJCC data-entry policy during 2006-07. Some State mediators elected to ignore the OJCC Manual, and input inaccurate information into the OJCC database. A basic understanding of the OJCC litigation process will assist with understanding this issue and the importance of correcting it. Most PFB filed will be scheduled for mediation, unless the PFB is set on an expedited hearing calendar. It is not uncommon for parties to resolve PFB issues prior to mediation. Often, this resolution may be influenced in part by the expense and inconvenience of mediation itself. Travel to a particular district office may represent a significant investment of time for an employer's representative, adjuster, or claimant. Even if the only in-person attendance at mediation is by the E/C's counsel, that attendance may represent significant expense, still more significant if counsel is traveling from out-of-town. When these expenses and inconveniences are weighed against the value of claimed benefits, and with the issue clarification that post-PFB discovery may have brought, some E/Cs elect to concede some issues rather than incurring the expense of proceeding thereon to mediation. Likewise, some injured workers' post-PFB discovery may lead them to concede some issues, particularly in instances in which the E/C is contemporaneously conceding some other issues. When parties cancel mediation and report one of these two outcomes, it is OJCC policy that the status of that mediation is changed in the JCC Application database from "set," meaning scheduled to occur, to a status of either "settled prior" or "resolved issues prior."

Several State mediators concluded that the mediation process would be perceived as more effective by mischaracterizing these circumstances, while reporting the data in their division. When these mediators learned that a scheduled mediation was being cancelled by the parties, they made it a practice to document the OJCC database to instead characterize those resolved issues as resolving "at mediation," ignoring that the mediation never occurred. By entering that these outcomes were the result of state mediation, they sought to overstate the efficacy of mediation.

Also during fiscal 2005-06, the OJCC discovered a historical effort to artificially adjust statistical data. Background will assist in understanding that decision. The OJCC was transferred from the Department of Labor and Employment Security (DLES) to the DOAH in 2001. At that time, there were numerous PFBs pending for adjudication and which were documented in the DLES database. The existence of these PFBs was documented in the newly created OJCC database by transferring data from DLES electronic records. This resulted in many PFB being reflected in the newly created DOAH/OJCC database as "open" pending PFBs, as of October 1, 2001. Thus, the OJCC database designated numerous "open" PFBs, which may or may not have actually been previously adjudicated or otherwise resolved. Rather than reviewing this multitude⁵ of seemingly "open" PFBs to determine the appropriate status for each, the OJCC database was instructed to ignore PFBs filed prior to a particular date certain when calculating "open" PFB or the volume of PFB "closed" in a given period, or the timeliness of closure of those PFB. The OJCC elected to presume that any PFB in the database, in excess of a certain age, was actually resolved and reflected an "active" status erroneously. This decision was expedient. It ignored, however, that the true status of these PFB must eventually be addressed and the data corrected.

The OJCC database has been corrected regarding this issue. The OJCC will not utilize such methods in the future. In tandem with that decision and correction, the OJCC undertook a massive effort to review PFB status during fiscal 2006-07. As a result, a significant volume of PFB was marked as "closed" in 2006-07. Therefore, these PFB are documented in the OJCC database as having "closed" in fiscal 2006-07, when in reality many of those PFB were resolved or adjudicated in previous years, but remained "open" until 2006-07 through clerical inadvertence. Therefore, the OJCC's previous reports regarding timely closure of PFB was erroneous because of the assumptions that were made (the database artificially ignoring older PFBs). Previous OJCC reports overstated the timeliness of PFB closures and understated the volume of PFB closures. Therefore, this report, without that exclusion of older PFBs, likely understates the timeliness of PFB closure and overstates PFB closure. A significant effort will continue during fiscal 2007-08 to accurately document the status of PFBs in the OJCC database. As isolated districts and division make these case-specific corrections in 2007-08, many more PFBs will be changed

from “open” to “closed” status in the database despite the fact that they were resolved at some point in the past, and should have reflected that “closed” status long before the current fiscal year. Therefore, it is anticipated that the statistics regarding timely PFB closure will significantly improve next fiscal year, and that more accurate statistics will thereafter become a consistent norm for the OJCC.

These data misstatements were inappropriate. State mediators have been unequivocally instructed to cease the mischaracterization of data. The OJCC database has been corrected, and will henceforth produce accurate representations of the data that is input. The OJCC is committed to minimize errors, and efforts will continue to promote consistent, accurate and timely OJCC data entry that is the foundation of the information in this report.

OJCC Achievements 2006-07:

During 2006-07, the OJCC:

Electronic Filing:

- Began public marketing and promoting of electronic filing (e-JCC).
- Developed and deployed electronic petition form (e-PFB).
- Developed and deployed electronic response form (e-RPFB).
- Developed and deployed electronic request for case number (e-RACN).

Visiting Judges:

- Provided visiting Judges to Lakeland District.
- Provided visiting Judges to Ft. Lauderdale District.
- Provided visiting Judges to Miami District.
- Provided visiting clerk assistance to Miami District.
- Provided visiting clerk assistance to Gainesville District.
- Removed and closed three truckloads of old files from Gainesville District.

Internal Education:

- Conducted centralized JCC training.
- Conducted new JCC orientation training.
- Conducted centralized staff training.
- Conducted regional staff training.
- Published a comprehensive Conflict of Interest Policy for OJCC employees.
- Published an OJCC database User Manual with standardized data characterizations.

Public Education:

- Updated OJCC website to provide substantive legal resources.
- Produced and published mediation information videos (bilingual)
- Opened positive dialogue with Florida Bar WC Section.
- Produced and presented public seminars about OJCC initiatives.
- Produced and published web-based e-filing training programs.
- Provided Electronic Filing training to attorneys, associations and firms.

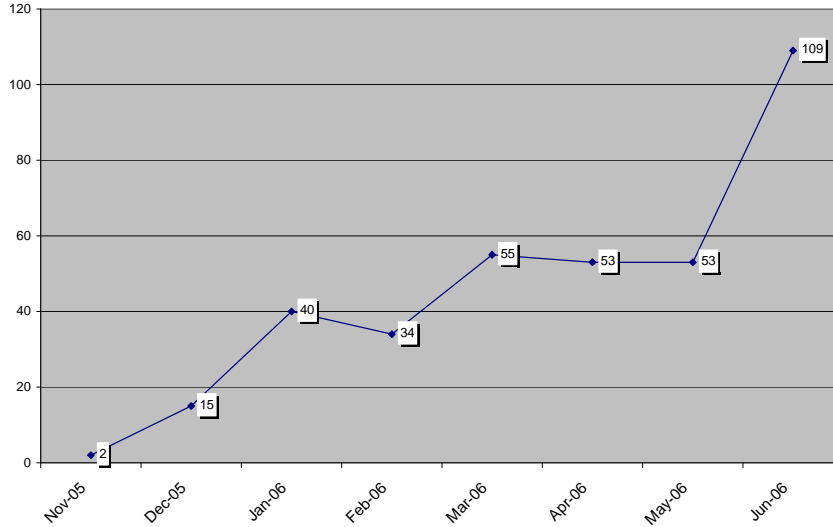
Management Tools:

- Created a database report to allow JCCs to monitor aging PFB.
- Created a database report to allow JCCs to monitor stagnant PFB.
- Re-districted, moving Seminole County to Orlando District.
- Published Judicial Performance Statistics to the JNC.
- Revised OJCC procedural rules and eliminated all “local rules.”

Electronic Filing Initiative:

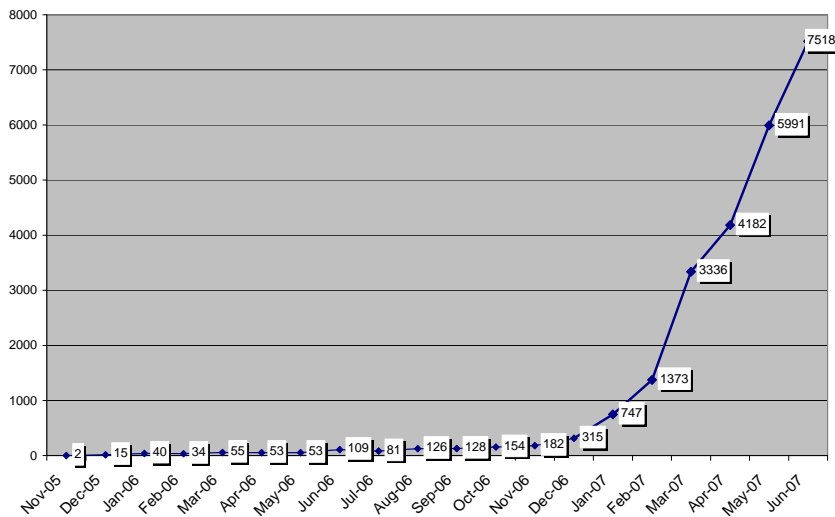
In fiscal 2005-06 the Office of the Judges of Compensation Claims (OJCC) began development of an electronic filing (“e-filing”) program designed to facilitate inexpensive and efficient filing of pleadings in workers’ compensation disputes. This program, called “eJCC” is accessed on the internet, through the OJCC website:

www.fljcc.org. In November 2005 the system was deployed on the [JCC website](#). The use of electronic filing was not initially promoted, and the earliest e-filers effectively tested the system’s performance for several months, through their voluntary use. Throughout the summer of 2006, the OJCC developed and deployed an interactive web-form for electronic generating and filing PFBs (e-PFB). Without promotion, e-JCC usage was minimal during the first eight months after deployment, as illustrated in this graph.



and meetings in Miami, Jacksonville, St. Petersburg, Lakeland, and Ft. Lauderdale. The e-JCC was demonstrated for all JCCs at their annual meeting in December 2006, and for the OJCC Deputy District Clerks in January 2007.

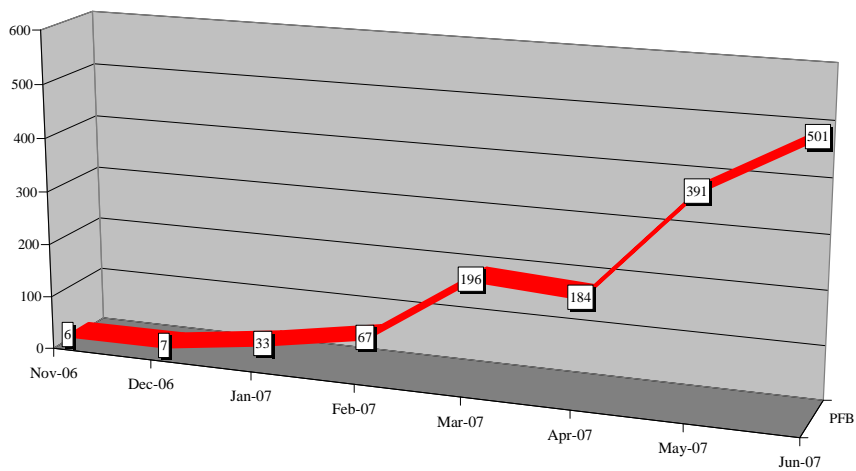
The OJCC began promoting e-filing (e-JCC) in October 2006. The Deputy Chief Judge conducted seminars and staff in Melbourne, Panama City, and Lakeland. The OJCC efforts at marketing this tool resulted in overwhelming growth in e-JCC use by attorneys. In June 2007, seven thousand five hundred eighteen documents were e-filed, an increase of almost seven thousand percent over in the course of one fiscal year. The filing growth during fiscal 2006-07 is illustrated in this graph which depicts the two documents e-filed in November 2005 and the tremendous progress in the ensuing months.



In 2006-07, the OJCC developed a “web-form” to allow attorneys to create and e-file a complete PFB (e-PFB) on the OJCC website. Many times parties ask for the OJCC to assign a case number for cases in which no PFB has been of will be filed. This is most common when a settlement motion needs to be approved by a Judge in an otherwise non-litigated case. That process used to require completion of a paper request form (Request for Assignment of Case Number, or “RACN”). In 2006-07 the OJCC deployed a web-form to allow electronic case number requests (“e-RACN”). This process eliminates delays for such requests and results in almost instantaneous case number assignment. Most PFB require some degree of data entry by attorneys their staff. By having this data-entry occur within the OJCC web-form (e-PFB), the need for OJCC staff to later re-enter the PFB information into the OJCC database is eliminated. The growth in use of the e-PFB platform is therefore particularly encouraging,

because this tool represents tremendous potential for financial savings to practitioners and to the OJCC. The growth in e-PFB filing has also been dramatic, as illustrated in this graph. Only six e-PFBs were filed in November 2006. By June 2007 the monthly e-PFB filing volume was 501.

The financial savings to the practitioner and OJCC from e-filing is easily quantified. Each e-filed pleading would otherwise have to be copied or printed by the practitioner, placed in an envelope, and mailed or delivered to



either the OJCC Central Clerk in Tallahassee or one of the seventeen (17) OJCC district offices. Pleadings, such as motions or notices are usually at least two pages in length, and may be hundreds of pages, in instances such as a motion to admit medical records or a pretrial stipulation with attachments. The eJCC system did not quantify the page volume of electronically filed documents,⁶ and it is therefore impossible to accurately determine the average number of pages in the e-filings. Without an exact page count or average page count, it is likewise impractical to determine the precise cost savings of each pleading.

Therefore, the minimum filing costs associated with a pleading have been used to quantify user-savings. During fiscal 2006-07 the U.S. Postal Service increased rates in May 2007. The production and mailing cost per pleading will be at least \$.42, prior to the May 2007 postage increase, and \$.45 thereafter.⁷ The lawyer saves significantly more when filing an e-PFB, because PFBs must be filed by certified mail. Therefore each e-PFB filed saved the practitioner at least \$2.82 prior to May 2007 and \$3.12 after that postage increase.⁸ Documents filed with the OJCC must be processed either by the Central Clerk or district office staff.

| | Pleadings filed | Lawyer Savings | OJCC Savings |
|--------------------------------|-----------------|----------------|--------------|
| Pre 05/07 e-pfb | 493 | \$1,390.26 | \$542.30 |
| Pre 05/07 non-PFB e-filings | 10492 | \$4,406.64 | \$11,541.20 |
| Post 05/07 e-pfb | 892 | \$2,783.04 | \$981.20 |
| Post 05/07 non-PFB e-filings | 12617 | \$5,677.65 | \$13,878.70 |
| Practitioner Savings | | \$14,257.59 | |
| OJCC Savings | | | \$26,943.40 |
| Total savings through 06/30/07 | | \$41,200.99 | |

The OJCC calculates that each e-filed pleading or document saves the OJCC approximately \$1.10⁹ in processing and filing labor. The total e-JCC financial savings to the OJCC and to practitioners totals approximately \$41,200.99 to date, as described in this chart.

In June 2007, the OJCC again expanded access to the e-JCC system, deploying a web-form for adjusters to generate and file electronic responses to PFBs (e-Response). This web-form offers carriers and servicing agents with similar e-filing savings as enjoyed by attorneys availing themselves of the e-PFB. With continued growth in e-filing volumes, the OJCC anticipates continued and expanding savings for lawyers, carriers, and the State. These savings should continue indefinitely as the OJCC technology platform is refined, improved and expanded through ongoing evaluation and development activities.

In fiscal 2007-08, the OJCC will deploy electronic service (“e-Service”) of pleadings. This process involves development of an electronic mail (“e-mail”) platform that is integrated with the JCC Application database currently utilized by OJCC district staff. Currently, JCC orders are uploaded (as a PDF image)¹⁰ to the internet for

public viewing. District staff then mails a copy of the order to the attorneys, and often to the parties in that case. This process represents the preparation of two (attorneys only) to five (attorneys, claimant, employer, and carrier) envelopes, printing or duplicating multiple copies, folding these, inserting them into envelopes, applying postage and mailing. The time required for this process is significant, as are the expenses associated with these mailings. For example, in fiscal 2006-07 the OJCC entered and mailed 160,000 orders. The service of these orders represented an approximate potential cost of \$336,000.00 (160,000 x \$.42 x five copies). In some instances, the parties to the case provided postage paid envelopes to the OJCC for service of order copies. Regardless of whether postage was provided by parties or paid by the OJCC, the addition of the electronic service platform may therefore save approximately \$300,000 annually, some portion of which is a savings to the parties and some portion is direct savings to the State. This savings does not include the time savings which this service will affect.

Late in fiscal 2007-08, the OJCC will add the ability for attorneys to e-serve pleadings on each other through the e-JCC platform, in the same manner as orders are e-served. When a motion is e-filed, the attorney will be offered the choice of e-serving a copy of that document on the opposing counsel. Thus, the practitioner savings from e-filing will effectively double when the postage and copy expenses of both the document for the OJCC file and the document for opposing counsel are each transmitted electronically. Additionally, however, the claimant's counsel will be given the opportunity in many cases to e-serve the PFB to the carrier, saving \$3.12 on the certified expense required by law. In some instances, it is anticipated that claimant's counsel will also be able to e-serve the PFB to the employer, resulting in additional savings. The current savings resulting from an e-PFB is \$3.12 for the certified mail for filing with the OJCC. With e-service, this savings will expand on a per-PFB basis, and may be as high as \$9.81 (\$3.12 for OJCC filing, \$3.12 for employer service, \$3.12 for Carrier service, and \$.45 for counsel service) per PFB.

Thus, deployment of the e-JCC platform has already resulted in significant savings to the practitioners and parties in workers' compensation disputes. The addition of e-service in 2007-08 will significantly increase those paper, postage and envelope savings. The resulting time savings for attorneys, attorney staff, adjusters, and OJCC district office personnel are likely even more significant, yet harder to quantify. Therefore, although the foregoing calculated savings are significant and impressive, they represent only a portion of the overall benefits to the Florida workers' compensation system of the current e-JCC platform and planned improvements.

NUMBER OF LITIGATED CASES:

It is difficult to ascertain with absolute certainty how many "cases" are in litigation at a given moment in time. The difficulty results in part from the data entry compliance issues discussed in the [2005-06 OJCC Annual Report](#). Some difficulty remains despite the extensive training and compliance efforts discussed herein. An issue complicating precise calculation of litigated "cases" is the lack of definition for "cases." The overall number of PFBs filed annually or the number of "new case" PFBs filed annually are each arguably valid methods by which litigated cases volume may be measured. Because there are merits regarding the efficacy of each of these measures, the OJCC calculates both. The number of litigated cases filed has decreased in recent years whether measured in PFB volume or "new case" volume.

In measuring the number of "litigated cases," the OJCC has elected to utilize the most common pleading that instigates litigation, the PFB. A particular PFB may contain a single "claim," e.g. for a specific singular benefit, or may contain multiple claims for several benefits.¹¹ OJCC jurisdiction can also be invoked for determination of issues through certain motions. Although these motions also represent "litigated" cases, it is believed that cases instigated by PFB filing effectively represent litigation volume statistically.

The gross, or "overall," number of PFBs filed during a given period is one valid volume measure. In considering the significance of this measurement, the serial nature of Florida Workers' Compensation ("WC") litigation must be considered. Once an accident occurs, an injured worker may immediately begin filing PFBs and could theoretically file a PFB for each and every benefit that is ultimately received by that injured worker. In such a case, a particular accident might generate tens of PFBs filed over many years before the claim is ultimately

resolved and closed. Conversely, an injured worker may receive benefits administratively from the employer or carrier for many years and then ultimately file a solitary PFB seeking a singular benefit. The potential volume of PFBs in any particular case may fall anywhere on the spectrum between these two potential extremes.

Additionally, the OJCC has identified a practice, employed by a minority of attorneys, in which multiple PFBs are filed in the same case on the same date, or sequential days.¹² This practice may artificially inflate the volume of PFBs. For example one Judge may receive three single-issue PFBs in one case, while another JCC simultaneously receives one three-issue PFB in another case. Each JCC has had three issues added to their workload; in this example there is no distinction between the one PFB and the three. In this example the volume of work for each of the two JCCs is similar or identical, but reliance upon only gross PFB volume could lead one erroneously to the conclusion that one JCC has received three times the work and responsibility. Thus, measuring the total volume of PFBs necessarily includes instances in which more than one PFB is filed in one particular claim. The total volume of PFBs filed during any particular year measures PFBs that relate to dates of accident during that fiscal year, and certainly also include PFBs related to dates of accident occurring years or even decades in the past. Therefore PFB volume alone may not accurately portray the volume of litigation in the WC system.

Equally valid for defining “litigated cases” is the measure of “new case” PFBs. This measure considers only the PFBs filed in cases in which no PFB had previously been filed. This measure isolates the volume of “new” litigation being filed during any particular period. This measure may be a more accurate indicator of the effects of statutory changes on litigation volume. However, this measure may not fairly represent the volume of new work being assigned to a particular JCC because each PFB must be processed and potentially mediated and heard, regardless of whether it is filed in a new case or an existing case. Therefore, the OJCC reports both of these volume measures.

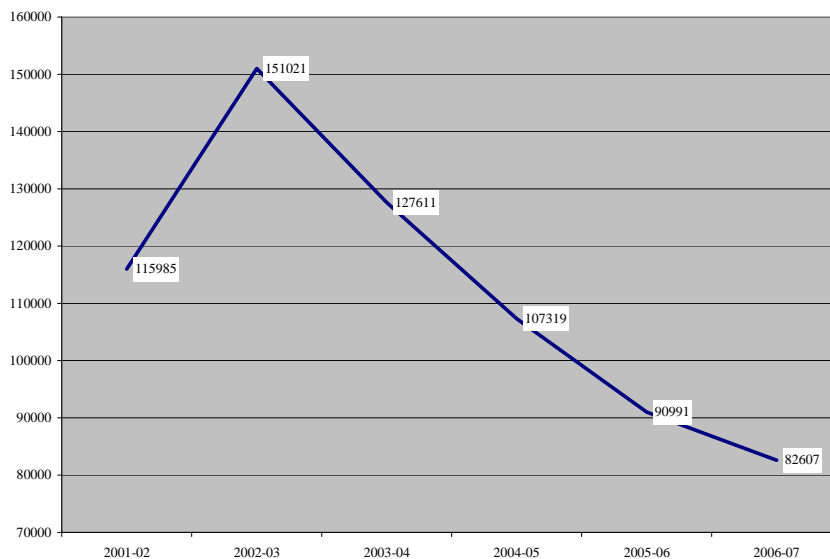
Gross PFB Filing:

The Florida Legislature enacted significant amendments to the Florida Workers’ Compensation Law in 1994 and again in 2003. Following the 2003 reforms, the volume of PFBs filed with the OJCC decreased at a reasonably consistent annual rate of approximately fifteen percent (15.21% to 15.9%) over each of the three years. PFB filing volume continued to decline in 2006-07, however the rate of decrease slowed to approximately nine percent (9.21%). The cumulative decrease in overall PFB filings between fiscal 2003 and fiscal 2006 has been approximately forty-five percent (45.22%).

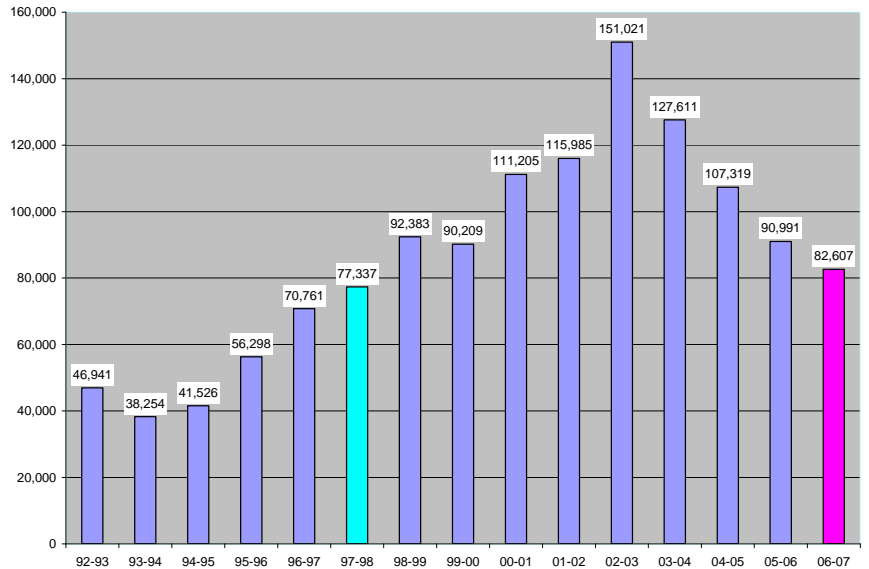
| Fiscal Year | PFBs Filed | % Change |
|-------------|------------|----------|
| 2001-02 | 115,985 | |
| 2002-03 | 151,021 | 30.21% |
| 2003-04 | 127,611 | -15.50% |
| 2004-05 | 107,319 | -15.90% |
| 2005-06 | 90,991 | -15.21% |
| 2006-07 | 82,607 | -9.21% |

Interestingly, workers’ compensation premiums have decreased significantly since the passage of reforms in 2003. Since 2003, PFB filings have decreased forty-five percent (45.22%), and premiums have decreased over

forty percent (40%).¹³ The steady decrease in overall PFB filing since the passage of Bill 50A in 2003 is further illustrated in this graph. The decreases since 2003 must be considered in conjunction with the marked increase of approximately thirty percent between 2001-02 and 2002-03. The available data supports that PFB filing rates increased less dramatically in the years prior to 2002-03, and that the volume of PFB filed that year represented a marked upward deviation from the PFB filing trend overall.



Prior to the transfer of the OJCC from the DLES to the DOAH, data was compiled by the DLES regarding PFB filing. The reliability of these statistics can no longer be independently verified.¹⁴ Some question of the validity of these figures is raised by the fact that the PFB process was not added to Chapter 440, F.S. until the 1994 statutory amendments, and the DLES figures nonetheless reflect PFB filing prior to that time. This could be indicative of an actual flaw in the data, or the figures prior to 1994 may represent the filing of “claims for benefits.” Prior to the PFB process, “claims” were filed to put an E/C on notice of a dispute, but the jurisdiction of the OJCC was not invoked until an “Application for Hearing” was filed. The PFB is therefore effectively a combination of the prior “claim” and “application.” Because of this distinction, it may or may not be appropriate to compare “claim” filing to PFB filing. As reported by the DLES through 2001, and thereafter by the DOAH, this graph illustrates the volume of PFB filing since 1992. Presuming the accuracy of these FDLES numbers, the 2006-07 PFB filing rate (82,607) is the lowest volume since 1997-98. The rate decrease rate of PFB filing slowed last year. However, the 2006-07 reduction of approximately nine percent (9.21%) is nonetheless a significant continuing decrease, generally consistent with the trend demonstrated since 2003.

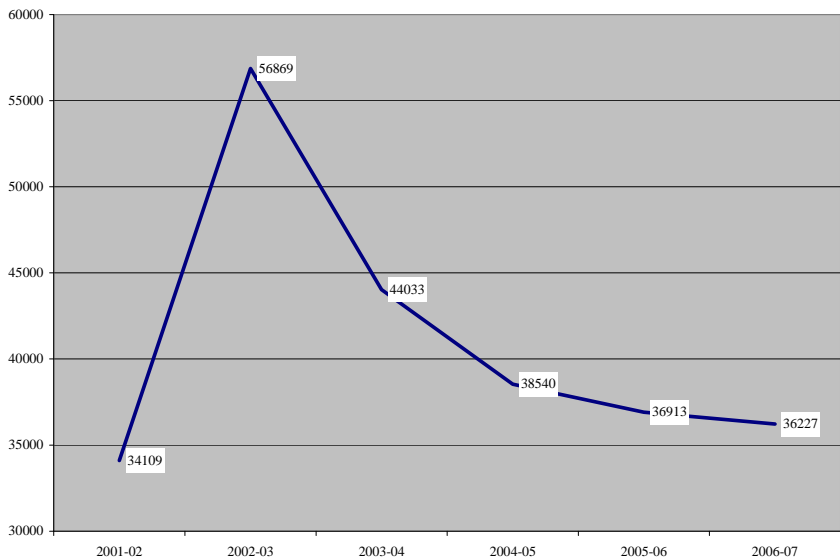


New Case Filing:

The volume of "new cases filed" has been monitored only since the OJCC became part of the DOAH in October 2001. The term “new cases filed” refers to the volume of PFBs filed, which represent the first time a PFB is filed in the history of that particular accident. Workers’ Compensation cases often involve the litigation of multiple, serial PFBs over the course of years. The rate at which "new cases" are filed is indicative of the rate at which cases are entering the OJCC litigation process, and is not affected by the serial nature of PFB filing. This measure may arguably be a more accurate indicator of the effect of legislative changes to the substantive benefits provided to Florida employees through Chapter 440, F.S. However, a “new case” filed in 2006-07 could involve an accident that year, or could involve an accident that occurred years prior, even prior to the 2003 statutory amendments. It is possible that an injured worker might receive all benefits due, without any need for litigation, for many years following a work accident. The OJCC has not attempted to delineate the age of accidents that enter the OJCC system as “new cases” each year. The volume of “new cases” filed has also declined since the 2003 statutory amendments, but at a slower and much less consistent rate than the decrease in PFB filings generally. The following graph depicts the declining rate of "new case" filings with the OJCC.

| Fiscal Year | New Cases Filed | % Change |
|-------------|-----------------|----------|
| 2001-02 | 34,109 | |
| 2002-03 | 56,869 | 66.73% |
| 2003-04 | 44,033 | -22.57% |
| 2004-05 | 38,540 | -12.47% |
| 2005-06 | 36,913 | -4.22% |
| 2006-07 | 36,227 | -1.86% |

This illustrates that the raw volume of “new cases” is decreasing very little in the last three years. These figures support that “new cases” increased significantly between 2001-02 and 2002-03, as did the overall PFB



filings discussed above. Notably, the gross volume of PFB filed in 2006-07 has decreased well below the rate filed in 2001-02, while the “new case” volume has not yet returned to the level filed prior to 2002-03.

The volume of “new cases” filed could also be expressed as a percentage of the gross volume of PFBs filed during the same time period. That is a different measure in that it compares the relationship of “new cases” filed volume to the overall volume of PFB filed, which is decreasing more rapidly as discussed above. This comparison demonstrates that the percentage of all PFBs that

were “new cases filed” remained fairly consistent in fiscal 2003-04 (34.5%) and 2004-05 (35.9%), but has notably increased in 2005-06 (40.6%) and 2006-07 (43.9%). These comparative percentage increases in “new cases,” in light of the relatively slow rate of decrease in the raw volume of “new cases,” therefore result primarily from the slow decrease in “new cases” compared to the more significant decrease in PFB overall. In fiscal year 2001-02, new cases were approximately thirty percent (29.4%) of the overall PFB volume. In fiscal 2006-07 that percentage had increased to approximately forty-four percent (43.9%), as represented in this table. Thus, in the overall analysis, OJCC resources are devoted increasingly to cases that are new to the litigation process. It is possible that greater attention to these “new cases” will result in earlier resolution of issues therein, and eventually facilitate greater self-execution of the system in those cases and further decreases in litigation generally.

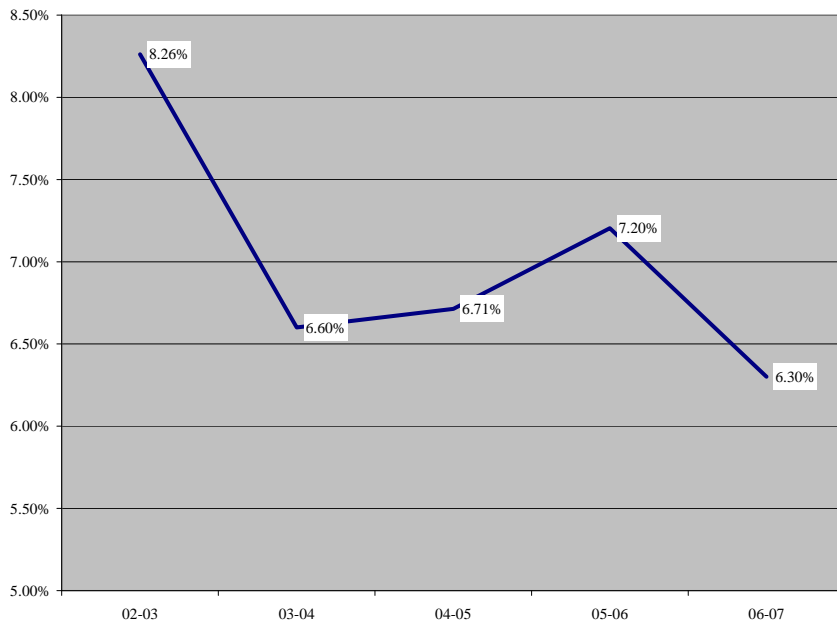
| Fiscal Year | PFBs Filed | New Cases Filed | New/Filed |
|-------------|------------|-----------------|-----------|
| 2001-02 | 115,985 | 34,109 | 29.4% |
| 2002-03 | 151,021 | 56,869 | 37.7% |
| 2003-04 | 127,611 | 44,033 | 34.5% |
| 2004-05 | 107,319 | 38,540 | 35.9% |
| 2005-06 | 90,991 | 36,913 | 40.6% |
| 2006-07 | 82,607 | 36,227 | 43.9% |

In summary, the available data supports several conclusions. First, the overall PFB volume continues to decrease at a reasonably steady rate, which slowed somewhat in the last fiscal year. The volume of “new cases filed” has also decreased since 2003, but at a much slower rate. The 2006-07 filing rate for “new cases” was statistically the same as the rate in 2005-06. As a result, currently a greater proportion of the PFB being filed are “new cases.”

Pro-Se Cases:

The OJCC is frequently asked whether there is evidence of changes in the volume of claimants representing themselves, called “pro-se” claimants. Phrased otherwise, this question is fundamentally “are more claimants filing pro-se PFB?” This is a difficult question, which cannot be definitively answered by the JCC Application database as it is currently configured. This database was not designed to answer this question, and cannot be easily adapted to do so. Whether a particular claimant is represented or not at a given moment in time can be determined with accuracy. However, this does not answer whether that claimant in fact filed any pro-se PFB. For example, a claimant might hire counsel and through counsel file three PFBs for various benefits. The JCC Application database would then reflect three “open” PFB attributable to a “represented” claimant. If the claimant thereafter ceased to be represented, and filed one pro-se PFB, the database would then reflect four “open” PFBs attributable to a “pro-se” claimant, despite the fact that three of those were in fact filed by (former) counsel. If that same claimant

then hired a new attorney, who then filed a fifth PFB, the JCC Application database would then reflect five “open” PFB attributable to a “represented” claimant, despite the fact that one of those five was in fact filed pro-se. The JCC Application thus can report the total volume of “open” PFB attributable to “represented” and “pro se” claimants as of a fixed moment in time, but cannot discern whether those PFB were filed by claimants while they were pro-se. Therefore, the best answer the OJCC can currently provide to the question of pro se litigant volume is a comparison between the volume of PFB filed in a given fiscal year and the volume of those PFB that were “pro-se” as of the end of that fiscal year (June 30). This chart depicts the percentage of all PFB filed in each year to the pending PFB population attributable to “pro se” claimants at the end of that same fiscal year. Notably, if the raw number of PFB attributable to “pro-se” claimants remained static each June 30, the percentage would nonetheless increase markedly due to the decrease in overall PFB filing discussed above.



Therefore, the available data does not support the conclusion that the “pro-se” claimant population is increasing. Because the percentage has decreased in the midst of significant PFB filing decreases generally, the data supports that less injured workers are representing themselves in the OJCC system. There are multiple perspectives regarding what this data indicates.

AMOUNT OF LITIGATION RESOLVED:

As of the end of fiscal 2006 (06.30.06), the JCC Application database reflected that one hundred eighty-six thousand seven hundred sixty-five (186,765) PFBs were “open.” As discussed above, that figure was artificially reduced by the database by ignoring some volume of PFB that were older than some selected age in conjunction with the transfer of data from the DLES to the DOAH/OJCC. After correcting the data to include all PFBs, even those previously excluded as too “old,” the actual volume of pending PFB at the close of fiscal 2005-06 was one hundred ninety-four thousand four hundred sixty-nine (194,469). Thus, in the initial calculation seven thousand seven hundred four (7,704) PFB were excluded as too old. During fiscal 2006-07, the OJCC worked to identify “active” PFBs whose status should have previously been changed to reflect a “resolved” or “closed” status. Many Judges made dramatic improvement in the volume of pending PFBs in their respective division, as set forth in the following table. At the end of fiscal 2007 (06.30.07), the OJCC inventory of “open” PFB was eighty-five thousand one hundred forty-eight (85,148). This represents a reduction of approximately fifty-six percent (56.22%) decrease from fiscal year 2005-06.

Most PFBs filed must be mediated.¹⁵ After a PFB is filed, issues claimed therein may be resolved among the parties before mediation, at mediation, or thereafter any time until a final order is issued. There are instances in which the parties conduct a trial on the PFB issue(s), but then nonetheless resolve those PFB issues before the assigned Judge enters an order adjudicating the issues.¹⁶ When all of the issues in a particular PFB are resolved either by agreement of the parties or adjudication, that particular PFB is then “closed,” and the district staff is responsible for accurately entering this information into the JCC Application (database).

The available information supports that staff in some districts have historically been more diligent than others in documenting the closure of PFBs, as noted in the [2005-06 OJCC Annual Report](#). Several divisions began 2006-07 with accurate PFB inventories, meaning their pending PFB included only PFB that appropriately should be represented as “open.” Other divisions began the year with their inventories overstated with PFB that should have been closed in prior years. PFB closures increased dramatically in 2006-07 (see chart). Certainly the high percentage decreases evidence significant effort by those Judges. Conversely, however, smaller percentage changes may indicate only that a particular JCC closed less during 2006-07 precisely because they had appropriately closed PFB previously, and thus had no excess “inventory” that required attention and closure. Over the last four fiscal years, four hundred eight thousand five hundred twenty-eight (408,528) PFBs have been filed and four hundred twenty-five thousand seventy-three (425,073) PFBs have been closed. This equates to an approximate overall closure rate of one hundred four percent (104%). This supports that the OJCC has successfully managed the significant spike in PFB and new case filings that occurred in 2002-03, as discussed above. It is significant that the OJCC has simultaneously evaluated the volume of PFB transferred as “open” from the DLES and the JCC Application database now accurately represents the actual status of those pending PFB.

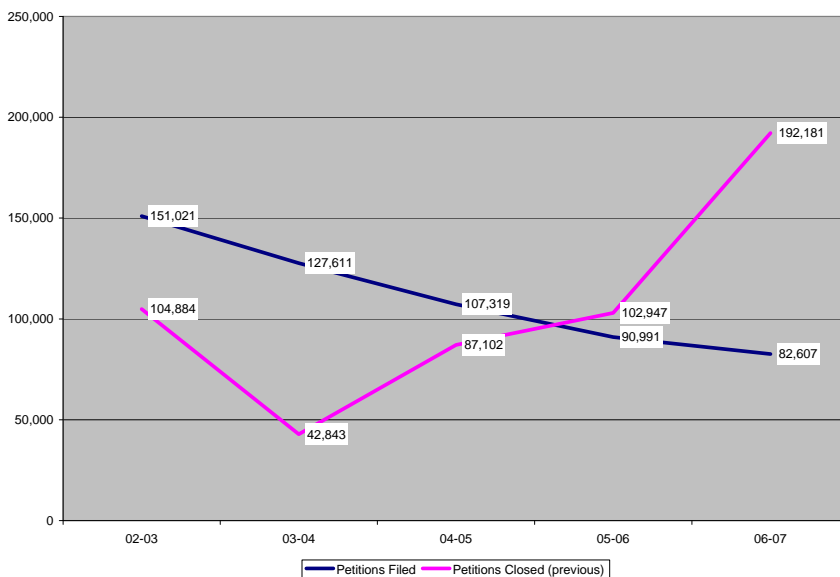
| JCC | PFB Pending 06/30/06 | PFB Pending 06/30/07 | % change |
|------------------------------|-------------------------|-------------------------|----------|
| Thurman | 16,172 | 1,253 | -92.25% |
| D'Ambrosio | 7,146 | 995 | -86.08% |
| Basquill | 8,039 | 1,264 | -84.28% |
| Lewis | 7,954 | 2,276 | -71.39% |
| Murphy | 1,955 | 601 | -69.26% |
| Dane | 3,457 | 1,191 | -65.55% |
| Terlizzese | 740 | 267 | -63.92% |
| Hofstad | 6,194 | 2,321 | -62.53% |
| Hogan | 17,077 | 6,546 | -61.67% |
| Roesch | 767 | 305 | -60.23% |
| Portuallo | 5,180 | 2,133 | -58.82% |
| Harnage | 14,867 | 6,549 | -55.95% |
| Medina-Shore | 13,942 | 6,357 | -54.40% |
| Remsnyder | 1,237 | 574 | -53.60% |
| Pecko | 11,366 | 5,448 | -52.07% |
| Harris | 3,799 | 1,925 | -49.33% |
| Punancy | 9,169 | 4,728 | -48.43% |
| McAliley | 3,657 | 1,907 | -47.85% |
| Kuker | 13,374 | 7,213 | -46.07% |
| Lazzarra | 799 | 435 | -45.56% |
| Haffner | 1,313 | 722 | -45.01% |
| Hill | 12,131 | 6,847 | -43.56% |
| Jenkins | 1,548 | 921 | -40.50% |
| Spangler | 5,344 | 3,257 | -39.05% |
| Castiello | 13,365 | 8,440 | -36.85% |
| Sculco | 1,822 | 1,246 | -31.61% |
| Winn | 2,197 | 1,522 | -30.72% |
| Condry | 1,874 | 1,337 | -28.66% |
| ORL | 1,805 | 1,379 | -23.60% |
| Sturgis | 4,360 | 3,501 | -19.70% |
| Beck | 1,045 | 869 | -16.84% |
| Lorenzen | 771 | 816 | 5.84% |

This comparison illustrates the significant increase in the volume of PFB closed in fiscal 2005-06, and the dramatic increase affected in 2006-07 with staff training. Obviously, when the volume of PFB closed during a year equals the number of PFB filed during the same period, the litigation process would be in equilibrium. For a number of years, until 2003, the steadily increasing PFB filing rates generated a growing inventory (backlog) of PFB. The OJCC database/case management software was deployed in 2002. Significant staff training in the uniform use of this tool did not occur until 2006-07, and the results of that training are apparent in this chart, and the following graph. It is predicted that some divisions will continue to close significant volumes of PFB in fiscal 2007-08. Many of these divisions reflected the highest PFB inventories when the OJCC database system was implemented. Despite the significant progress made by these divisions, it is possible that significant numbers of PFB currently characterized as “active” in those divisions may more appropriately be characterized as “inactive.”

| Fiscal Year | PFB Filed | PFB Closed | % Closed |
|-------------|--------------|-----------------------|-------------|
| 03-04 | 127,611 | 42,843 ¹⁷ | |
| 04-05 | 107,319 | 87,102 ¹⁸ | |
| 05-06 | 90,991 | 102,947 ¹⁹ | |
| 06-07 | 82,607 | 192,181 | |
| 4 yr Total | 408,528 | 425,073 | 104.0% |

The Judges have been provided new tools for docket management and review of pending PFBs during fiscal 2006-07. Judges or their staff may now generate lists of cases that satisfy certain criteria. Early in the fiscal year, the Judges were provided with a report that allows them to generate a list of any “active” PFBs that are older than 210 days. There are many reasons why a PFB might appropriately remain “active” beyond this statutory parameter: bankruptcy stay(s), EMA appointment, and continuance to name a few. This case-management report,

to monitor the progress of these older PFBs is a helpful tool for Judges to manage their dockets. The tool allows Judges to identify PFB that should be reviewed to determine whether there are appropriate reasons for it remaining active beyond the normal time. Another tool provided during fiscal 2006-07 was a report listing every “active” case pending, upon which the system reflected no pleadings filed or hearings scheduled in the previous two years. After the provision of these results in fiscal 2006-07, the ability to generate such lists is scheduled to be provided in fiscal 2007-08 to each JCC for use at their discretion. This report will help district Staff in docket management. It will also be of assistance in closing cases in which a case number is assigned for some purpose, but in which no PFB is ever filed. District comparisons of the various Judge’s PFB closure rates are available in the appendices to this report.



COST OF LITIGATION RESOLVED:

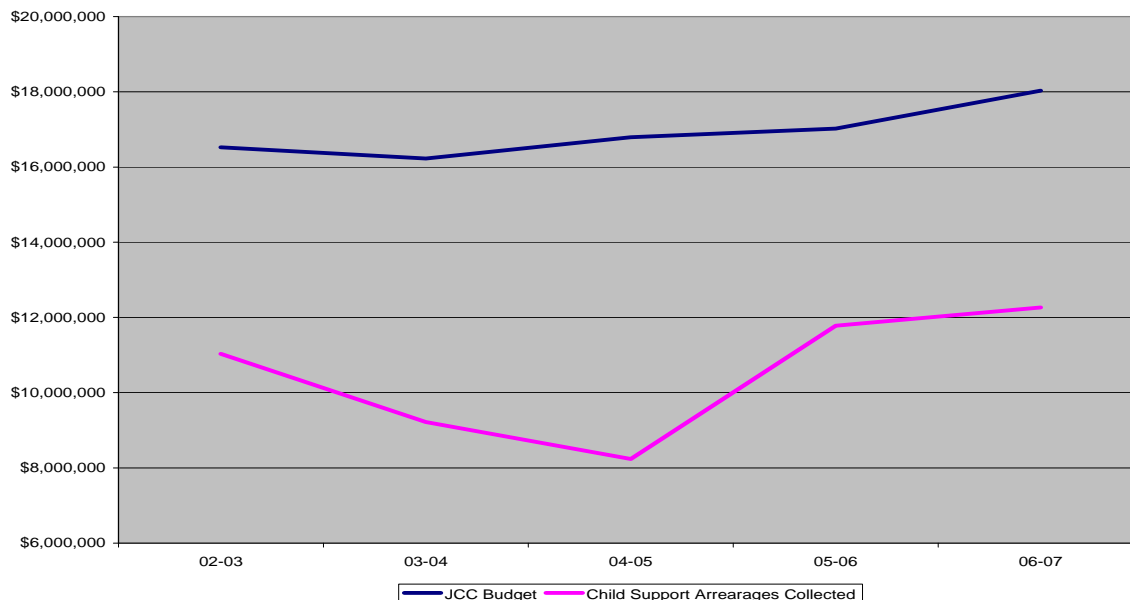
The OJCC budget divided by the number of PFBs closed reflects that the overall cost per PFB closed is decreasing. This results from the minimal growth in the OJCC annual budget and the marked increase in the closure of PFBs during the last fiscal year. Thus, the decrease in cost per PFB for fiscal 2006-07 is overstated due to the extraordinary PFB closure rate during this year. The OJCC budget has not increased significantly over recent years. In some years, inflation has outpaced OJCC budget increases. The OJCC today is spending less per full time employee (“FTE”), adjusted for inflation, than in 1992-93. During the significant increase in case filings, and resulting hearings and adjudications between 1994 and 2003, the OJCC budget effectively decreased, when adjusted for inflation and the expanding OJCC workforce added in 1994 with the mandatory mediation process. Florida’s population has also grown markedly in the last twenty years. However, the volume of Judges of Compensation Claims has remained virtually static over the same period. These facts illustrate that the OJCC has been very effective at wisely managing the resources provided.

| Year | Annual Budget | PFBs Closed | Cost per Closed PFB |
|-------|---------------|-------------|---------------------|
| 02-03 | \$16,522,910 | 104,884 | \$157.54 |
| 03-04 | \$16,225,513 | 42,843 | \$378.72 |
| 04-05 | \$16,792,731 | 87,102 | \$192.79 |
| 05-06 | \$17,022,942 | 102,947 | \$165.36 |
| 06-07 | \$18,032,059 | 192,181 | \$93.83 |

Another illustration of the cost-effectiveness of the OJCC is the volume of child support arrearages collected through the Judges’ efforts. The Judges of Compensation Claims are statutorily required to ensure that the rights of child support recipients are considered when a support payor reaches settlement of their workers’ compensation case. The JCCs devote considerable time and effort to the investigation and verification of child support arrearages. The significant amounts of child support collected through these efforts for the last four (4) fiscal years is represented in this table. The volume of child support arrearages collected is particularly interesting when considered in light of the overall OJCC budget discussed

| Fiscal Year | Child Support Recovered | % Change |
|-------------|-------------------------|----------|
| 02-03 | \$11,031,544 | |
| 03-04 | \$9,219,096 | -16.43% |
| 04-05 | \$8,238,113 | -10.64% |
| 05-06 | \$11,779,081 | 42.98% |
| 06-07 | \$12,266,091 | 4.13% |

above. In fiscal 2006-07, the OJCC collected child support arrearages in an amount equal to approximately sixty-eight percent (68%) of the entire OJCC budget, as expressed in the following graph.



The OJCC and the DOAH have instigated and maintained various tools and resources in recent years, including internet-based individual case information, as well as internet dissemination of district information and disaster closure notification. In fiscal 2005-06 the OJCC initiated the internet-based [e-filing system](#) for use by attorneys, discussed above. The OJCC is currently developing additional web-based services including expanded opportunities for the e-filing of PFBs, electronic settlement motions, electronic fee stipulations, and electronic pre-trial compliance questionnaires. In fiscal 2007-08, the OJCC long range plan includes the implementation of e-service, which will allow the OJCC to serve orders on counsel and some parties via e-mail. The development and implementation of these initiatives, as well as the recruitment and retention of valuable personnel, would be enhanced by additional budget dollars for salary and benefit enhancement. Critical examples, previously included in the [DOAH Long Range Program Plans](#), of the need for additional budget dollars include:

The conversion of thirty-two (32) career service Executive Secretary positions to Select Exempt status. Each JCC has an assigned Executive Secretary, who is privy to confidential claims information. These individuals should be provided with the enhanced benefits package that is afforded Select Exempt employees. During fiscal 2006-07 the OJCC lost numerous staff. The often cited reason for resignation was the salary, which is comparatively low when compared to similar local government positions.

Until 1993, the JCC salaries were tied to Article V. Judges' salaries. Since 1994, the JCC salary has decreased proportionally compared to Article V. Judges. Restoring some association between JCC salaries and Article V. judicial salaries would enhance OJCC retention of experienced Judges.²⁰ Retention of these individuals would likewise promote the efficiency of OJCC operations.

NUMBER OF MEDIATION CONFERENCES HELD:

The volume of mediations held each year has decreased in each of the last five (5) fiscal years. However, the rate of decrease in mediations that are conducted has not matched the rate of decrease in PFB filings, as represented in this chart. This suggests that as petition volume falls, OJCC mediators are capable of acting upon a greater percentage of that volume. Over the five (5) year cumulative period, PFB filings have decreased approximately forty-five percent (45.22%) while mediations "held" have decreased just over half that volume, approximately twenty-four percent (23.91%).

There are multiple possible explanations for the marked difference in the rates of decrease. The most likely explanation for this difference is the probability that private mediations are decreasing at greater rates. Most PFBs

must be mediated before they may proceed to final hearing,²¹ and mediation must be held within one hundred thirty (130) days after the filing of the particular PFB. If no state mediation appointment is available, the assigned JCC must order the E/C to pay

| Fiscal Year | PFBs Filed | % Change | Mediations Held | % Change |
|-------------|------------|----------|-----------------|----------|
| 02-03 | 151,021 | | 29,253 | |
| 03-04 | 127,611 | -15.50% | 28,072 | -4.04% |
| 04-05 | 107,319 | -15.90% | 26,410 | -5.92% |
| 05-06 | 90,991 | -15.21% | 25,522 | -3.36% |
| 06-07 | 82,607 | -9.21% | 22,258 | -12.79% |

for private mediation for that particular PFB. This process should assure the timely mediation of all PFBs, but also represents a significant cost to the particular E/C ordered to private mediation. Therefore, it is to be expected that as PFB volume falls, the rate of ordered private mediations should decrease as employers have more opportunity to use the less costly OJCC provided service, as opposed to using private mediator services. Notably, however, there is a significant variation in the timeliness of state mediations in the various divisions. These differences are illustrated in the mediation detail graphs in appendices 1, and 3 through 19. The wide division variations illustrated are difficult to explain. Mediations are

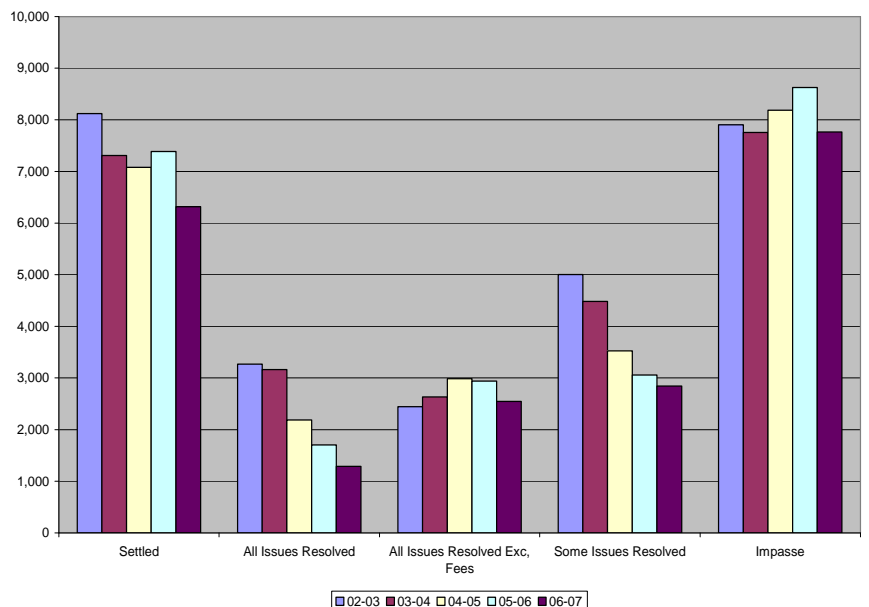
| Fiscal Year | PFBs Filed | % Change | Mediations Held | % Change |
|-------------|------------|----------|-----------------|----------|
| 02-03 | 150,801 | | 29,253 | |
| 06-07 | 82,607 | -45.22% | 22,258 | -23.91% |

required to occur within 130 days of the PFB filing. If no appointment is available within that time period, then the PFB should be ordered to private mediation. When this statutory process is followed consistently, then the average days to mediation for each state mediator should approach the 130 day statutory parameter. In districts not documenting such a timeline, corrections to the scheduling process must be considered.

DISPOSITION OF MEDIATION CONFERENCES:

A PFB may contain only one substantive benefit (i.e. authorization of an orthopedic surgeon), or could contain many issues (i.e. orthopedic authorization, neurological authorization, diagnostic testing authorization, correction of the average weekly wage, payment of temporary total, temporary partial, supplemental benefits, and/or permanent total disability benefits, etc.). Virtually all PFBs also include claims for ancillary benefits related to one or more of these substantive benefits, such as penalties and/or interest on late paid indemnity benefits, and attorney’s fees and costs for the prosecution of all claimed benefits in the PFB.

Therefore, the outcome of mediations is expressed in terms of what was resolved at that particular mediation. The characterization “impasse” is used to reflect that no issues were resolved at mediation. The characterization “settled” reflects that the entire case, including the pending issues in the PFB and all future benefits as yet undue and unclaimed, were resolved. Between these two extremes of “impasse” (nothing) and “settled” (all) are a number of “partial” resolution characterizations used by the OJCC. As discussed above, some mediators previously mislabeled resolutions that occurred prior to state mediations, characterizing those outcomes as if



those cancelled mediations had occurred. That action has undoubtedly resulted in misinterpretation of outcomes in prior OJCC reports. Those erroneously characterized outcomes dictate that comparisons with future data may also be suspect.

The term “some issues resolved” reflects that some subset of the claimed substantive issues has been resolved. The term “all issues resolved except attorney’s fees” reflects that all of the substantive issues and any ancillary penalty and/or interest issues were resolved, but fee/cost entitlement and/or amount issues remained. The term “all issues resolved” reflects that all claimed PFB issues, including all ancillary issues such as attorney’s fees and costs, were resolved. These potential outcomes can be expressed in a continuum ranging from the least resolution (“impasse”) to the most resolution (“settled”). The overall results of mediation are reflected in this graph, illustrating this continuum from “all,” or “settled” on the left side to the least “none” or “impasse” on the right side of the graph. The graph above reflects the last five (5) fiscal years for each of these outcome characterizations.

Notably, the steady increase in volume of mediations that result in no resolution of any issues, “impasse,” has slowed in 2006-07. The table below summarizes the percentage of cases in each category as compared to the mediations held during that year. For example, in 2002-03 approximately twenty-eight percent (27.76%) of cases mediated resulted in a settlement. In 2006-07, approximately twenty-nine percent (28.96%) of the mediated cases resulting in settlement. The decreases in the categories “all issues resolved” and “some issues resolved” have been significant since 2002-03. The respective rates of the potential outcomes are set forth in this chart, illustrating the success rates of state mediation.

State mediations are obviously very effective in resolving issues. In 2006-07, as an example, approximately fifty-nine percent (58.39% = 23.89% + 5.79% + 11.44% + 12.77%) of convened state mediations

resolved at least "some issues." The total in 2006-07 of these resolutions (58.39%) and “impasses” (34.89%) is approximately ninety-three percent (93.28%). Another approximately seven percent (6.6%) of mediations were recessed and reconvened at a later time, and thus no outcome was reported for those, as the resolution characterization(s) would be attributed to the later “reconvened” mediation. Additionally, a very small percentage of mediation outcomes were not recorded in the OJCC database, but were merely marked as “held.” It is expected that ongoing education efforts for district staff and mediators will eradicate this non-descriptive characterization (“held”) in future statistical analysis of the mediation outcomes.

| Fiscal Year | Mediation Held | Settled | All Iss. Res | All Iss. Res exc. Fees | Some Iss. Res | Impasse |
|-------------|----------------|---------|--------------|------------------------|---------------|---------|
| 2002-03 | 29,253 | 27.76% | 11.17% | 8.35% | 17.10% | 27.02% |
| 2003-04 | 28,072 | 26.04% | 11.27% | 9.38% | 15.97% | 27.63% |
| 2004-05 | 26,410 | 26.81% | 8.28% | 11.31% | 13.35% | 31.00% |
| 2005-06 | 25,522 | 28.96% | 6.67% | 11.52% | 11.99% | 33.81% |
| 2006-07 | 22,258 | 28.39% | 5.79% | 11.44% | 12.77% | 34.89% |

CONTINUANCES GRANTED FOR MEDIATIONS:

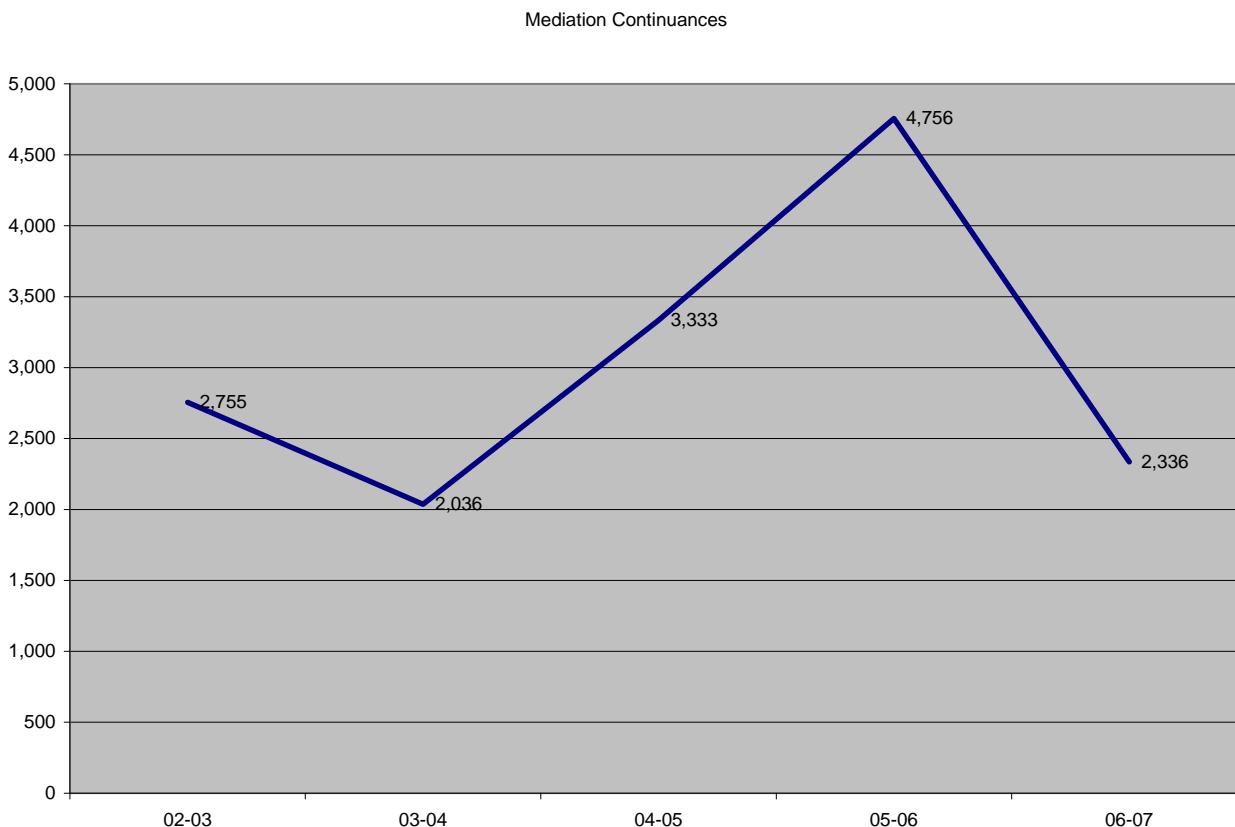
Mediation continuances increased markedly in fiscal years 2004-05 and 2005-06. The cause of that trend remains unknown. The data for 2004-05 may very well have been affected by the volume of weather related office closures that year, as Florida endured serial cyclone landfalls, which effected virtually every county. Those situations effected significant impact by closing carrier offices in central Florida (frustrating mediations in unaffected districts elsewhere) and by closing district offices at which the mediations would otherwise have been held. Those situations were far fewer in 2005-06, which suggests that causes other than weather played some significant role, see below. The mediation continuance trend reversed in 2006-07, with continuance rates dropping markedly (50%) as illustrated in this chart.

| Fiscal Year | Total Number | Annual Per JCC | Monthly Per JCC |
|-------------|--------------|----------------|-----------------|
| 02-03 | 2,755 | 89 | 7.4 |
| 03-04 | 2,036 | 66 | 5.5 |
| 04-05 | 3,333 | 108 | 9.0 |
| 05-06 | 4,756 | 153 | 12.8 |
| 06-07 | 2,336 | 73 | 6.1 |

In 2002-03 only two thousand seven hundred fifty-five (2,755) mediations were continued. The frequency of mediation continuance increased markedly in 2004-05 and 2005-06. In 2006-07 two thousand three hundred thirty-six (2,336) mediations were continued. Therefore, the total volume of mediation continuances in 2006-07 was lower than the total in 2002-03. However, comparing the percentage of mediations continued to the volume of PFB filed in the same year reveals that the percentage of mediations continued in 2006-07 remained somewhat higher than 2002-03, relatively speaking.

| Fiscal Year | PFBs Filed | Mediations Continued | Med. Cont. v. PFB Filed |
|-------------|------------|----------------------|-------------------------|
| 02-03 | 151,021 | 2,755 | 1.82% |
| 03-04 | 127,611 | 2,036 | 1.60% |
| 04-05 | 107,319 | 3,333 | 3.11% |
| 05-06 | 90,991 | 4,756 | 5.23% |
| 06-07 | 82,607 | 2,336 | 2.83% |

The implementation of the "auto-scheduling" of mediations by the Central OJCC Clerk likewise coincides generally with the beginning of the upward trend in mediation continuances in fiscal 2003-04. Prior to the implementation of that "auto-scheduling" process, some districts did not schedule mediation when a PFB was received. Instead, those divisions left the litigants responsible to coordinate and schedule a mediation appointment. This resulted in significant delay in the mediation of a significant volume of PFBs. The implementation of "auto-scheduling" by the OJCC Central Clerk was intended to assure that all PFBs are set for timely state mediation or appropriately ordered to private mediation. That process may also be influencing the volume of continuances, as PFB are more promptly scheduled for mediation, and unprepared or overcommitted parties move for continuance to alleviate pressure on their respective caseload. Despite auto-scheduling and this statutory requirement, the average days to first mediation remains well in excess of the 130 day period. The overall volume of mediation continuances is illustrated in the following graph.



Some portion of the 2003 through 2006 increase in mediation "continuances" may also have been unrelated to any issue beyond the lack of consistency in the district office data-entry prior to the training and definition efforts in 2006-07. Until fiscal 2006-07, with the publication of the [JCCA User Manual](#), the terms "continued" and

“rescheduled” were both available choices for district staff to use when any scheduled event, like a mediation conference, did not occur. However, these two terms were not defined. Therefore, how a delay in a mediation was characterized by district staff, and as a result how that delay was reflected in the overall OJCC year-end statistics, was an amalgamation of thirty-one (31) Deputy District Clerks and/or mediators making individual and subjective decisions about how to characterize any particular delay. It is noteworthy that the number of mediations “rescheduled” dramatically decreased in 2005-06 at the same time the number of mediations “continued” conversely increased, as illustrated in this chart. This anecdotally supports that the current statistics may be related more to the characterization of the delay by district staff than to any real increase in mediation continuances.

| Fiscal Year | Mediations Rescheduled | Mediations Continued | Med. Cont. v. Med. Resched. |
|-------------|------------------------|----------------------|-----------------------------|
| 02-03 | 15,972 | 2,755 | 17.25% |
| 03-04 | 15,876 | 2,036 | 12.82% |
| 04-05 | 16,150 | 3,333 | 20.64% |
| 05-06 | 12,172 | 4,756 | 39.07% |

CONTINUANCES GRANTED FOR FINAL HEARINGS:

The volume of trial continuances system-wide has decreased markedly from fiscal year 2003-04. Because accurate data²² is only known to exist since the OJCC was transferred to the DOAH, it is impractical to accurately determine whether the continuance data for fiscal 2003-04 represented any marked increase compared to prior years. Prior OJCC Annual Reports have concluded that the 2003-04 data regarding continuances reflected an increase related, at least in part, to the very active tropical cyclone season Florida suffered in 2004.²³

The available data supports that trial continuances per JCC have declined from seventeen and one-half (17.5) per month in fiscal 2002-03 to eleven (11) per month in fiscal 2006-07, as set forth in this table. This illustrates the system-wide trial continuance figures and demonstrates the marked decrease in trial continuances over the last three fiscal years. This downward trend is likely attributable to better OJCC case management software, and some relaxation of individual JCC dockets resulting from decreased PFB filing rates. Staff training and OJCC definition of the terms “rescheduled” and “continued,” discussed above, may also be contributing to more accurate and consistent characterizations of event changes in the JCC Application database. These characterizations may be affecting these figures. It is hoped that some portion of this decrease may also be attributable to the significant teamwork exhibited by the Judges²⁵ that voluntarily visited other districts to hear cases in 2006-07. That effort should have effected some relief to the dockets in those districts.

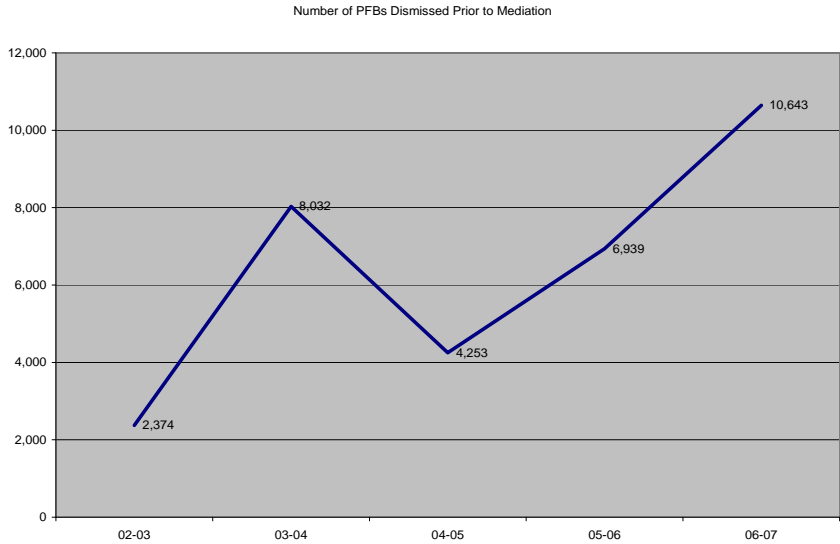
| Fiscal Year | Trial Continuances Granted | Annual Per JCC ²⁴ | Monthly Per JCC |
|-------------|----------------------------|------------------------------|-----------------|
| 02-03 | 6,507 | 210 | 17.5 |
| 03-04 | 6,734 | 217 | 18.1 |
| 04-05 | 5,094 | 164 | 13.7 |
| 05-06 | 5,011 | 162 | 13.5 |
| 06-07 | 4,161 | 130 | 11 |

OUTCOME OF LITIGATED CASES:

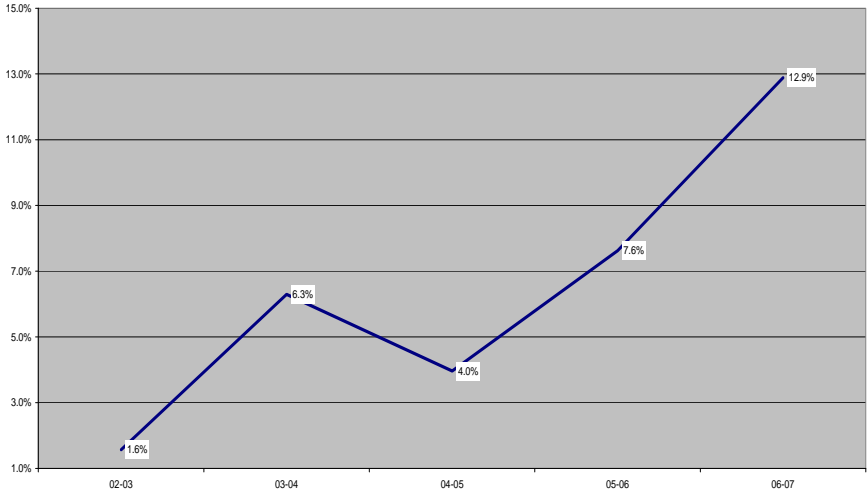
PFB are filed with the OJCC Central Clerk in Tallahassee. The demographic information (i.e. names, addresses, counsel) are entered into the OJCC case management computer Application (JCCA), or database, as are the various issues plead in the PFB.²⁶ All PFBs are assigned to a specific Judge of Compensation Claims based upon the first letter of the claimant’s last name. The JCC Application then “auto-schedules” a State mediation appointment. The Central Clerk forwards each PFB to the assigned Judge. Thus, when the PFB arrives in its assigned division, a mediation appointment has been automatically scheduled, but no notice has been sent to the parties. Statutorily, no notice of mediation is sent until forty days following PFB filing. Therefore, although an appointment is set when the PFB arrives, attorneys have a window of opportunity to call and select a date that is convenient to them, prior to any notice being mailed. Few attorneys consistently avail themselves of the benefit of this opportunity to select their own, convenient, mediation dates. However, the use of this process may also be positively affecting the need to seek continuance of mediation appointments, see above.

A growing number of Judges utilize the provisions of Fla. Stat. §440.25(4)(h) and schedule “expedited” final hearings on some portion of the PFBs assigned to them. The expedited process likely leads to faster resolution of some issues, which involve relatively minor expense. Mediation is not required on claims that are suitable for expedited final hearing. However, all PFBs have already been “auto-scheduled” for mediation by the JCC Central Clerk prior to arrival in the respective district office. The process in the various districts, upon receipt of the PFB, may be to reschedule mediation, to notice the “auto-scheduled” mediation, or to cancel the mediation process completely if expedited final hearing is to be noticed instead. This decision is entirely within the discretion of the assigned JCC.

If a particular PFB is not set for expedited hearing, then the assigned JCC will either accept the auto-scheduled mediation appointment or select an alternative date. On the fortieth day after the PFB was filed, the notice of mediation is mailed to the parties and attorneys associated with that case. Some JCCs schedule and provide notice of the pretrial and final hearing at that same time. This process of a single notice for three hearings affords the parties significant opportunity to plan their litigation calendar months in advance. Many PFBs are thereafter resolved prior to the mediation occurring. This diagram depicts the number of mediations (which may have been scheduled on one or more discreet PFB) that resolved prior to the scheduled mediation appointment time in each of the last five (5) fiscal years. Thus, resolution prior to mediation is increasing.



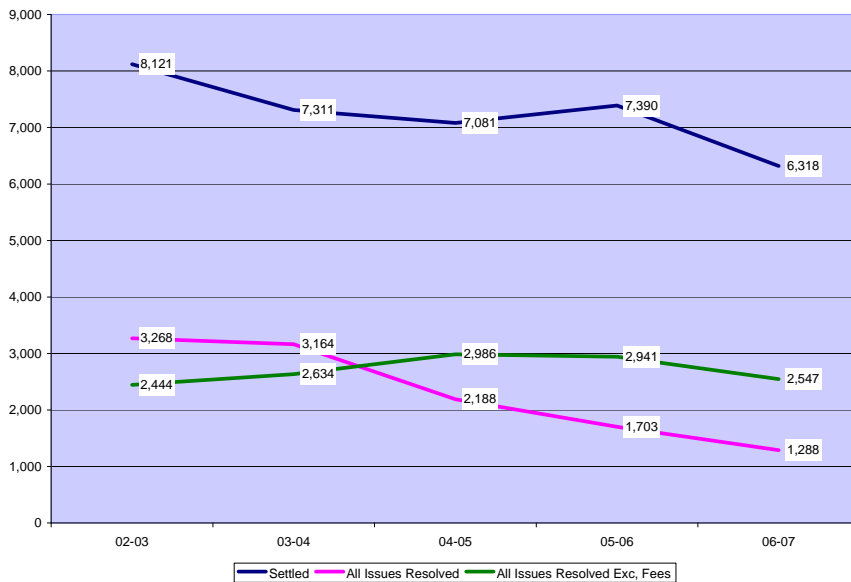
As discussed above, it has recently been discovered that significantly more PFB resolve “prior to” mediation than the OJCC previously reported. The figures in this graph are therefore likely understated, as a result of some state mediators misstating that issues “resolved prior to” the mediation were resolved “at mediation,” when mediation did not in fact occur. These mediators concluded that many PFB resolve on the eve of mediation because parties or counsel are motivated to resolution by the inconvenience associated with travel to and from, and attendance at, mediation. Some mediators therefore ignored the parameters for mediation outcome characterization published in the OJCC User Manual in October 2006. These state mediators, instead, characterized some portion of PFBs that resolved on the eve of mediation as if the mediation had in fact occurred (“all issues resolved”), rather than as “resolved prior.” It remains unclear whether various Judges recognized this practice, and it is equally unclear how widespread this practice was. However, upon discovery of this practice, specific instructions were issued to State mediators to follow the published OJCC policies and to cease mischaracterization of mediation outcomes. The reliability of data should be enhanced by the mediator’s compliance to this standardized



protocol. Unfortunately, comparison of all future data to past data will be hindered by the lack of uniformity prior to 2006-07 and this election by some portion of the State mediators.

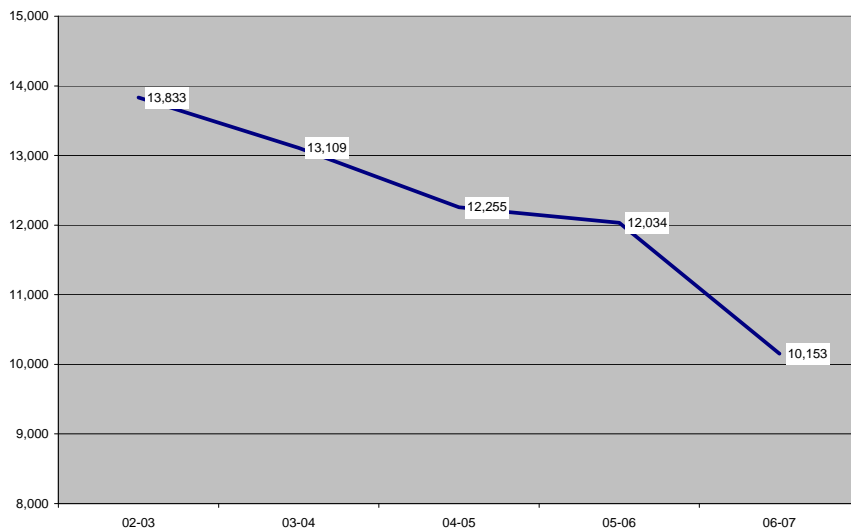
Despite that issue, the volume of PFBs dismissed prior to mediation continued to increase in 2006-07 as reflected in the graph above. The raw number of PFBs dismissed prior to mediation increased to ten thousand four hundred sixty-three (10,463) in 2006-07 from six thousand nine hundred thirty-nine (6,939) in 2005-06, an increase of approximately fifty-one percent (50.78%). This represents a marked increase in PFB dismissals prior to mediation. When the decreasing volume of PFB filings is considered, the percentage of PFBs that are resolved prior to mediation more effectively illustrates the frequency of such resolutions, as illustrated in this graph. Thus, approximately thirteen percent (12.9%) of all filed PFB were dismissed before mediation last year. A significant number of additional PFB that were instead scheduled for expedited hearings were also dismissed prior to any hearing or event at the district office, but were not captured for this statistic because they were not dismissed “prior to” mediation.

Once a mediation conference is convened, any of the following mediation outcome characterizations would reflect that the pending PFB(s) has been resolved, and no final hearing would be required (although an attorney fee entitlement and/or amount hearing may be necessary): “Settled,” “All Issues Resolved,” and “All Issues Resolved Except for Fees.” This graph illustrates the frequency of each of these outcomes at mediations over the last five years.



When these three (3) mediation outcomes are combined, the total reflects the frequency at which the pending PFB(s) is resolved at mediation. The JCC Application does not, however, capture data which reflects whether, in such mediation, one or multiple discreet PFB were resolved. This graph illustrates the combination of these three (3) outcomes in each of the last five (5) fiscal years. The total number of such PFB resolutions at mediation is decreasing each year, as is the total volume of PFB filed. It is significant that this measure reflects only the resolution of all substantive issues in that PFB (“settled,” “all issues resolved,” and “all issues resolved except fees”). Therefore, while this statistic represents the number of PFB resolved at mediation, it does not reflect the effectiveness of mediation in partially resolving pending PFB issues.

Petitions Resolved at Mediation

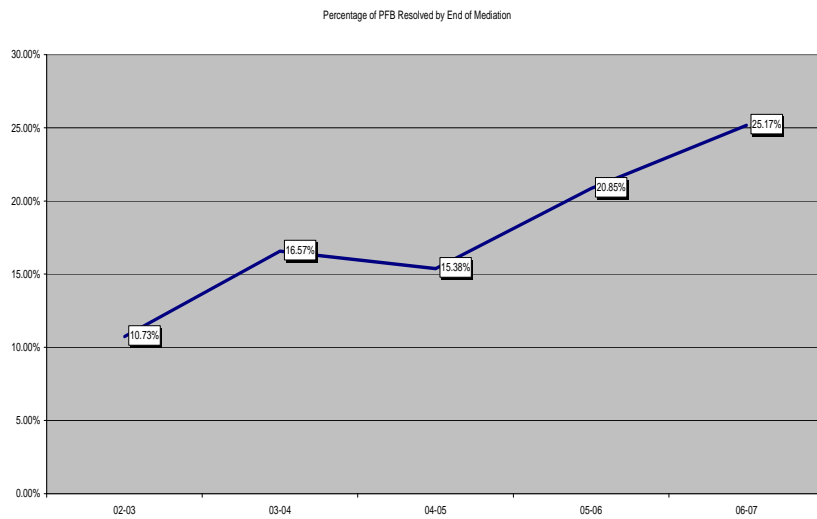
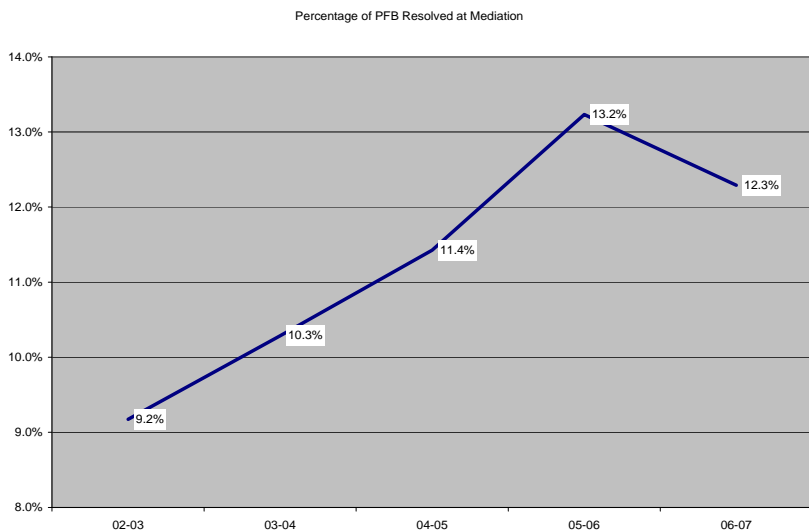


Often, it is the resolution of small issues that helps to focus much broader disputes. For example a successful mediation of a discreet claim for a medical evaluation might at first appear to be a small success in a case with

many additional PFB issues left unresolved at mediation. The remaining PFB issues must still be scheduled for pretrial and final hearing in that instance. However, if that medical evaluation then results in trusted information regarding impairment or disability, then other issues related to loss of earnings may later resolve without trial. Therefore, the success of mediation must be measured with a view to all of the potential eventual effect of small issue resolution. It must also be remembered that these figures have likely been artificially increased by the decision by some mediators to mischaracterize some volume of PFB as resolving at mediations that did not in fact occur, see above. When the total reported volume of PFB resolved at mediation is expressed as a percentage of the PFB “filed” during the same fiscal year, the graph below illustrates the overall percentage frequency of resolution at mediation.

This demonstrates that the raw volume of PFB resolving at mediation is decreasing. However, the percentage of filed PFB that are resolving at mediation increased significantly over recent years, due in part to the significant decreases in PFB filing rates. There was a slight decrease in PFB resolution at mediation in 2006-07, reflected in this graph. The decreased overall PFB volume likewise decreases demand for mediation appointments. The growing use of expedited hearings likewise decreases overall demand. With less PFB in the mediation process, State mediator calendars are more flexible and mediators can be more flexible to accommodate the time requirements of more complex and multiple PFB mediations.

An important issue for JCCs is the volume of PFB that remain for resolution or adjudication after mediation has occurred. Those that remain after mediation has concluded must be scheduled for pretrial hearing and final hearing (unless the PFB was already scheduled for these at the time mediation was scheduled). These remaining PFB are also very likely to contribute to the assigned JCC’s motion calendar. Simply stated, the greater the volume resolved by the conclusion of mediation, the less the volume that must be pre-tried and heard. If the volume of PFB dismissed prior to mediation is combined with the volume of PFBs that were resolved at mediation, the graph below illustrates the percentage of PFBs filed that were resolved either before or at mediation during the last five (5) fiscal years. This illustrates that in 2006-07, approximately seventy-five percent (74.83%) of filed PFBs include some issue or issues that remain unresolved at the conclusion of mediation. These macro figures also ignore that many issues in discreet PFB issues may be resolved through the course of a mediation conference, and yet the PFB itself remains “unresolved” due to other pending issues therein. The success of mediation as a process for narrowing issues and focusing disputes cannot be adequately measured by the volume of “total” resolutions achieved.



In some districts/divisions PFBs received from the Central Clerk are scheduled only for mediation. In those districts/divisions a final hearing will only be scheduled in the event that mediation is not successful. This practice has resulted in some instances of PFB failing to proceed to timely final hearing. In some divisions, the staff has been relatively passive regarding final hearing scheduling and as such a final hearing would only be scheduled when and if the parties take the initiative to contact the Judge's office to schedule a trial. In other divisions, PFBs are immediately scheduled for mediation, pretrial and final hearing or expedited final hearing upon receipt.

Whether a particular Judge will be proactive (initiating scheduling) or reactive (waiting for the parties to initiate scheduling) is completely within the discretion of that particular JCC. If a final hearing, a pretrial and a mediation are all scheduled initially, and the issues then resolve before mediation, each of these "events" (mediation, pretrial and final hearing) will be labeled in the JCC Application with the "status" of "resolved issues prior." Because there is therefore a population of cases in the database in which both a mediation and a final hearing are designated as "issues resolved prior" by one resolution (e.g. before mediation), it is therefore not possible to accurately measure how many PFBs resolve after mediation and yet prior to trial. Some portion of the final hearings that do not ultimately proceed to trial are caused by resolution between mediation and final hearing, but some other portion do not proceed because the issues were resolved prior to mediation in a case in which the pretrial and final hearing were already on the calendar before mediation ever occurred. This same potential exists for various "status" characterizations, and this complicates this calculation.

Additionally, the JCC Application contains a "status" characterization choice of "cancelled." The available statistics for the last four (4) fiscal years support the conclusion that this "status" was used frequently, when other more specific descriptions were more appropriate. This generalized characterization, "cancelled," does not provide any edification or explanation as to why a particular event did not occur. With the publication of the [JCC Application User Manual](#) in 2006, it is hoped that district staff will better understand the importance of using the most accurate and descriptive "status" whenever a final hearing or other event is changed from the status of "set" (meaning it is scheduled to occur). It is hoped that with this understanding and with published definitions for the various characterizations in the Application, that consistency among the districts and divisions will increase markedly. The publication of the [OJCC Application User Manual](#) and the ongoing staff training are expected to provide far greater consistency in the entry of data into the OJCC Application database. Likewise, diligent supervision of mediator and district staff clerical efforts by the Deputy Chief Judge is expected to result in more accurate and consistent statistics in future annual reports.

AMOUNT OF ATTORNEY'S FEES PAID IN EACH CASE ACCORDING TO ORDER YEAR AND ACCIDENT YEAR:

The OJCC is required by law to approve all attorney fees paid by or on behalf of an injured worker. [Fla. Stat. §440.34](#)²⁷ There is no such specific requirement for the approval of fees paid by employer/carriers for their defense counsel representation. Despite the absence of such specific requirement for defense fee approval, the broad language of [Fla. Stat. §440.105\(3\)\(b\)](#)²⁸ arguably could require OJCC approval of defense attorney's fees. However, this statutory authority has historically not been interpreted to require approval of defense attorney fees. Therefore, the OJCC has required insurance carriers to [report](#) their respective total annual expenditures for aggregate defense fees.²⁹ Because these figures are reported in the aggregate, it is impossible to discern whether cost reimbursement to attorneys has been included in the figures reported by the various carriers. Furthermore, this information regarding defense fees expended during the fiscal year does not provide any edification regarding the respective dates of accident involved in the cases in which those fees were paid during that fiscal year.

Order Year 2006-07:

Previous [OJCC annual reports](#) detailed payment of claimant attorney fees based upon the best information available when those reports were prepared. The OJCC gathers claimant attorney fee data through a computer program (part of the system that includes the JCC Application database, electronic filing, and internet publication of data) that simultaneously uploads fee approval orders to the internet case docket and captures the data regarding claimant fee and cost amounts. The district staff is responsible for the input of the fee and cost amount data for each individual fee approval order entered. Because the database currently produces different total annual figures for claimant attorney fees figures, approved in prior fiscal years, than was reported in prior OJCC Annual Reports, it is believed that subsequent to the initial calculation of those figures, and issuance of those prior OJCC Annual Reports, additional information was entered by district staff (additional approved orders for a particular fiscal year were input and uploaded after the query for that particular fiscal year was initially run).³⁰ This table represents the most current (corrected February 2007) information for the amount of claimant’s attorney fees approved in recent fiscal years.

| Fiscal Year | Clmt. Atty. Fees |
|-------------|------------------|
| 02-03 | \$210,660,738 |
| 03-04 | \$215,322,360 |
| 04-05 | \$211,157,073 |
| 05-06 | \$208,369,260 |
| 06-07 | \$191,108,005 |

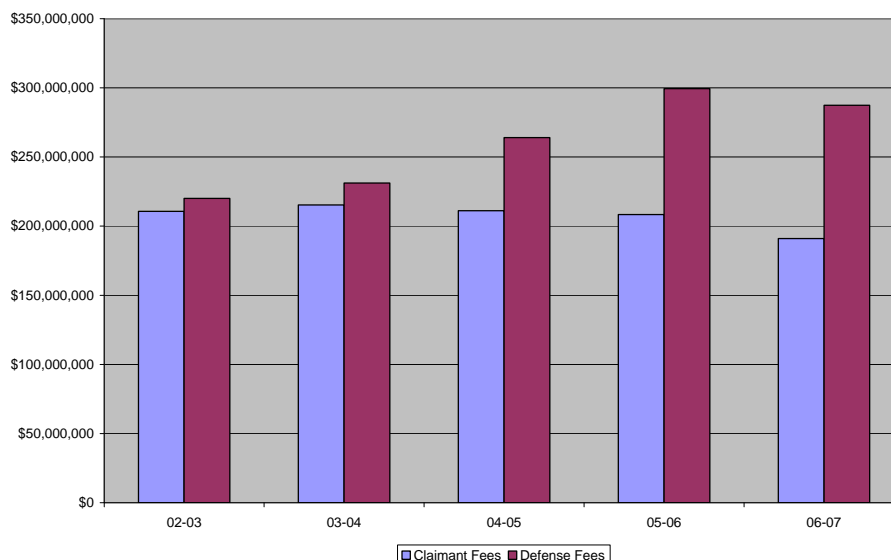
During 2006-07, a total of four hundred seventy-eight million one hundred five thousand eight hundred dollars (\$478,551,038 = \$191,108,005 + \$287,443,033), was expended on combined claimant fees and defense attorney’s fees (and perhaps defense “costs”) in the Florida worker’s compensation system. This marks the first time that defense fees have decreased since the OJCC began (in 2002) collecting and reporting data on defense fees. The last five fiscal years of claimant and defense attorney’s fees and the annual rates of change are set forth in this table. These figures may demonstrate significant increases in defense fees following the 2003 reforms, or may simply evidence an increasingly effective OJCC effort in collecting this data. It is impossible to state with certainty whether defense fees increased or whether reporting compliance increased. However, the list of carriers reporting in 2006-07 has been compared to the list of those reporting in 2005-06 and is very similar. Therefore this decrease is felt to be verifiable and is not related to any significant change in the reporting population. It is also notable that some portion of overall defense fees reported may relate to cases in which no claimant fees were paid, such as charges for preparation and approval of pro-se settlement documents or instances in which the E/C sought and paid for legal advice that ultimately did not result in the filing of any workers’ compensation dispute.

| Fiscal Year | Clmt. Atty. Fees | % Change | Def. Atty Fees | % Change |
|-------------|------------------|----------|-----------------------------|----------|
| 02-03 | \$210,660,738 | | \$220,044,685 | |
| 03-04 | \$215,322,360 | 2.21% | \$231,150,559 | 5.05% |
| 04-05 | \$211,157,073 | -1.93% | \$264,058,532 | 14.24% |
| 05-06 | \$208,369,260 | -1.32% | \$299,412,570 | 13.39% |
| 06-07 | \$191,108,005 | -8.28% | \$287,443,033 ³¹ | -4.00% |

Reported defense attorney fees progressively increased after the 2003 statutory amendments, at a significant rate, as illustrated in the previous table. Conversely, claimant attorney fees decreased slowly (approximately 1%) between 2003 and 2005. Because data on claimant fees is collected as they are approved, rather than in the aggregate method used for defense fees, those figures are believed to be the more accurate of those reported. A comparison of the 2006-07 attorney fees and the 2002-03 attorney fees for both claimant and defense is set forth in this table to illustrate the cumulative change over five (5) years. The decrease in Claimant fees in 2006-07 compared to 2002-03 is certainly significant, over 9%. Some argument could be made that the aggregate of fees would be expected to decrease in some relation to the decrease in PFB filed. While this comparison may be validly made, it is complicated by the time lag between PFB filing and closure. Because that period might be years in some instances, fees paid last fiscal year might have related to PFB filed in the prior year, or even earlier. Therefore, the decrease of fees related to a decrease in PFB filing could be reasonably expected to occur significantly after the PFB filing decrease. Therefore, multiple years of data would likely be required to support a conclusion regarding any interrelationship between the two. The aggregate claimant and defense fees for the last five years in reflected in this graph.

| Fiscal Year | Clmt. Atty. Fees | % Change | Def. Atty Fees | % Change |
|-------------|------------------|----------|----------------|----------|
| 02-03 | \$210,660,738 | | \$220,044,685 | |
| 06-07 | \$191,108,005 | -9.28% | \$287,443,033 | 30.63% |

FEES As Reported

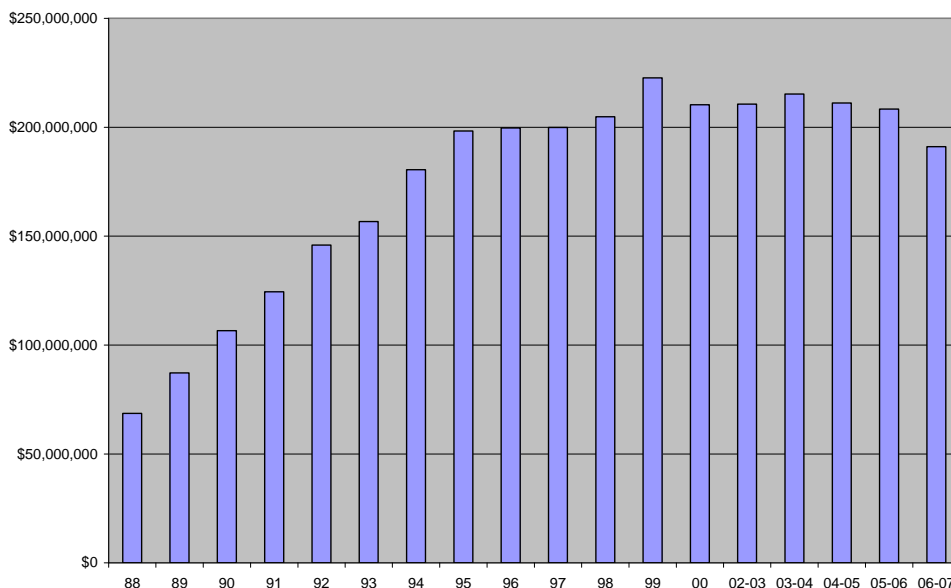


The decline in aggregate fees paid to claimant’s attorneys, compared to fees paid to defense attorneys, has significantly altered the comparative percentage of claimant’s fees compared to all fees. Thus, the figures support that aggregate fees increased over the four fiscal years after the 2003 statutory amendments. The extent to which this evidence has been influenced by greater compliance with carrier and servicing agent reporting is unknown. However, the data for fiscal year 2006-07 demonstrates a significant decrease in both defense (-4%) and claimant fees (-8.28%). It must be remembered that these figures demonstrate only the gross amount of attorney’s fees paid during the respective years. That analysis does not consider, nor delineate, the age of the cases in which these fees were paid.

The DLES compiled data regarding the attorneys fees paid to claimant’s counsels for a number of years. In the [DLES 2001 Dispute Resolution Report](#), fees for calendar years 1988 through 2000 were reported. These figures

are helpful for broad comparisons with current fees and trends. However, it is important to note that the DLES figures may be for calendar years, not fiscal years. It is further instructive to note that the DLES figures for attorneys’ fees paid for claimant’s counsel likely include costs, as the ability to differentiate fees from costs easily did not exist until the OJCC database was deployed in 2002. The figures compiled and reported by the OJCC, since October 2001, do not include claimant costs. With those two caveats, this graph represents the claimant fees (fees plus costs) paid from 1988 through 2000 and the claimant fees paid from fiscal 2002-03 through 2006-07.

Claimant's Attorney Fees



Accident Year:

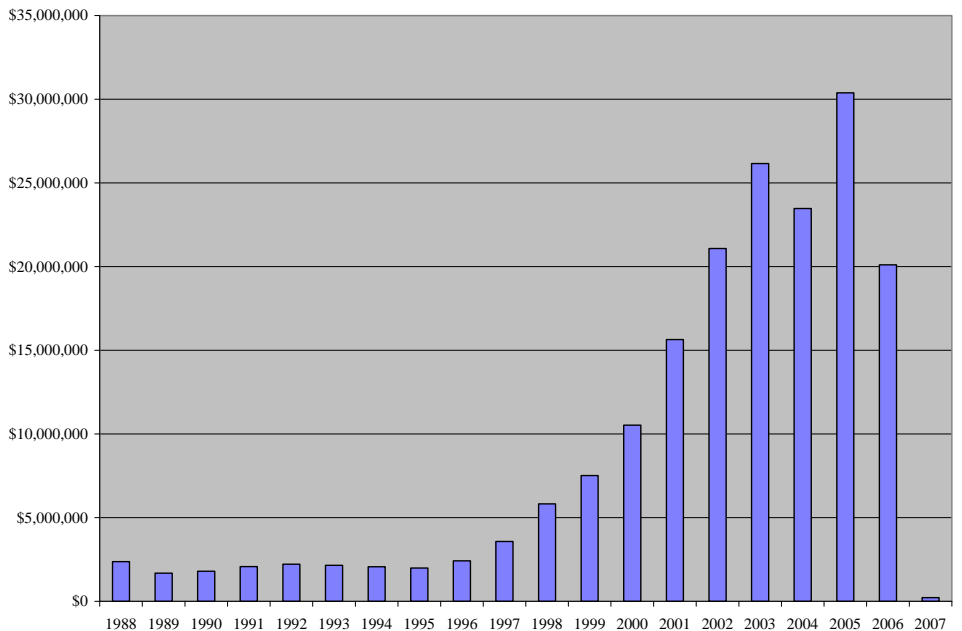
The figures above each represent only the amount of fees “approved” during each respective fiscal year. During any particular fiscal year, fees might be approved on cases for which the date of accident was also during that particular fiscal year. Likewise, the approved fee might be related to a date of accident prior to that fiscal year, perhaps many years prior. Most fees approved during any particular fiscal year will be associated with accidents that occurred prior to that particular fiscal year. This is because most cases in the OJCC system are not related to accidents in the current fiscal year and because many cases in the workers’ compensation system remain active, with periodic litigation issues, for many years.

| Accident Year | Fees 06-07 | Accident Year | Fees 06-07 | Accident Year | Fees 06-07 |
|---------------|------------|---------------|-------------|---------------|---------------|
| 1957 | \$500 | 1978 | \$28,941 | 1994 | \$2,068,978 |
| 1960 | \$1,000 | 1979 | \$109,452 | 1995 | \$1,988,652 |
| 1962 | \$3,250 | 1980 | \$148,966 | 1996 | \$2,427,665 |
| 1963 | \$11,820 | 1981 | \$494,994 | 1997 | \$3,578,569 |
| 1964 | \$1,750 | 1982 | \$786,530 | 1998 | \$5,829,246 |
| 1965 | \$3,524 | 1983 | \$371,259 | 1999 | \$7,516,446 |
| 1966 | \$3,500 | 1984 | \$1,105,777 | 2000 | \$10,525,555 |
| 1969 | \$50,000 | 1985 | \$1,192,446 | 2001 | \$15,645,078 |
| 1970 | \$16,455 | 1986 | \$1,369,960 | 2002 | \$21,081,205 |
| 1971 | \$166,282 | 1987 | \$1,348,656 | 2003 | \$26,164,446 |
| 1972 | \$67,438 | 1988 | \$2,377,061 | 2004 | \$23,472,414 |
| 1973 | \$14,500 | 1989 | \$1,684,059 | 2005 | \$30,409,191 |
| 1974 | \$13,922 | 1990 | \$1,806,131 | 2006 | \$20,113,419 |
| 1975 | \$63,718 | 1991 | \$2,080,377 | 2007 | \$ 219,828 |
| 1976 | \$253,128 | 1992 | \$2,252,037 | | |
| 1977 | \$83,988 | 1993 | \$2,155,892 | Total | \$191,108,005 |

Logically, therefore, most litigated cases within the responsibility of the OJCC involve dates of accident prior to any current fiscal year. In 2006-07, fees were paid in cases that involved forty-six different accident years, as depicted in this table.

Of the claimant attorney fees approved during fiscal 2006-07, approximately seven million seven hundred eleven thousand two hundred fifty-five dollars (\$7,711,255) was paid for accident dates in 1987 and before (more than 20 years prior to 2006-07). This is only four percent (4%) of the claimant fees approved in 2006-07.³² Most

(96%) claimant fees approved in fiscal 2006-07 related to accident dates within the last twenty fiscal years. The vast majority, approximately seventy-seven percent (77.14%), of the fees approved in 2006-07 related to accident dates in the seven years between January 1, 2000 and December 31, 2006.³³ The claimant fees approved in fiscal 2006-07 for the last 20 years are illustrated in this graph. It may or may not be significant that fees for 2004-05 accidents were lower than the fees for accidents in either 2003 or 2005. In that regard, the pattern in this graph is somewhat different from the pattern illustrated in the [2005-06 OJCC Annual Report](#).



As with other issues identified herein, the significance of this distinction is difficult to discern based upon this report alone.

NUMBER OF FINAL ORDERS NOT ISSUED WITHIN 30 DAYS AFTER THE FINAL HEARING OR CLOSURE OF THE HEARING RECORD:

Many legitimate reasons may require a trial to be reconvened on a second or even third day after the initial trial date. However, anecdotal evidence supports that such a process has been employed to delay record closure and artificially extend statutory deadlines. Determination of the legitimacy of such subsequent proceedings in any given case would require forensic examination of each case, which is not practical with the current resources of the OJCC. Recognizing the limitations of case auditing, and the legitimate need for such “reconvene” hearings in a minority of cases, the OJCC reports the number of cases in which the final order is entered within thirty days of the final hearing convening. This calculation undoubtedly slightly understates the number of final orders entered within thirty days of legitimate “hearing record closure.” However, this calculation also permits no overstatement of achievement by inappropriate employment of the “reconvene,” and presents an illustration of performance that is consistent across the various districts and divisions. In this regard, the OJCC elects to report conservative figures that cannot overstate performance. Review of all of the final merits orders entered during fiscal 2005-06 and fiscal 2006-07 indicates that many final orders were entered on the same day of the final hearing. Overall, the JCCs entered timely final orders approximately fifty-eight percent (57.6%) of the time in fiscal 2005-06. This increased significantly in 2006-07 to almost sixty-six percent (65.54%) of the time. As represented in this table, final orders were entered in under one hundred (100) days in approximately eighty-six (85.5%) of all cases in 2005-06 and almost eighty-nine percent (88.60%) of the cases in fiscal 2006-07. For final orders entered during fiscal 2006-07, the shortest period between final hearing and final order was zero (0) days and the longest period was two thousand nine hundred eleven (2,911) days or approximately eight years. The OJCC anticipates significant improvement in this measure in the next fiscal year due to the deployment of software during 2006-07 to allow verbal dictation to be transcribed by computers with minimal staff assistance. This, and other previously described software and workflow improvements, is intended to maximize effectiveness and efficiency of district staff and thereby shorten the timeline from trial to final order.

| Days | % Entered 05-06 | % Entered 06-07 |
|------|--------------------|--------------------|
| 30 | 57.60% | 65.54% |
| 40 | 66.70% | 71.23% |
| 50 | 71.90% | 76.87% |
| 60 | 74.60% | 79.72% |
| 70 | 78.60% | 82.97% |
| 80 | 81.60% | 85.14% |
| 90 | 84.00% | 87.31% |
| 100 | 85.50% | 88.60% |

RECOMMENDING CHANGES OR IMPROVEMENTS TO THE DISPUTE RESOLUTION ELEMENTS OF THE WORKERS' COMPENSATION LAW AND REGULATIONS:

The Florida Supreme Court adopted the Rules of Workers’ Compensation Procedure in 1973.³⁴ In 1994, the Florida Legislature mandated that the OJCC would propound procedural rules. Thereafter, the OJCC elected instead to publish uniform local rules, titled the Uniform Practices and Procedures (“UPP”). Following the integration of the OJCC into the DOAH in 2001, the DOAH prepared, published and adopted the DOAH Rules of Procedure (“DOAHRP”), effective February 23, 2003. In 2004, the Florida Supreme Court held that the DOAH action promulgating rules pursuant to the mandate of Chapter 440 F.S. was appropriate.³⁵ In 2005, Director and Chief Judge Cohen undertook the first amendment process for those DOAHRP. The amendment process included input from many constituents of the Florida workers compensation system, multiple meetings around the state, and ample opportunity for public discourse and comment.

The DOAHRP as amended (effective November 1, 2006) generally address “costs” incurred by litigants. Because issues involving costs are generally within the discretion of the assigned Judge, additional clarification of “costs” would alleviate much litigation and would relieve district staff of significant paperwork created by communications to and from litigants regarding “costs.” Two broad general categories of costs are of interest to the OJCC. Claimant’s attorney’s often charge injured workers for “costs” associated with their prosecution of a claim for benefits. The DOAHRP only generally address this category. The consideration of, and ultimately approval of, such costs has arguably been held by the Court to be within the jurisdiction of the Judges of Compensation Claims.³⁶ There is currently some debate as to when and to what extent the OJCC should be involved in the

examination and/or approval of “costs.” This involvement is likely limited to a determination that what is designated as “costs” is not in fact a mislabeled “fee,” which is within the OJCC jurisdiction by statutory mandate in Fla. Stat. §440.34. When a prevailing party is awarded costs from the non-prevailing party(ies), e.g. “taxable costs,” the DOAHRP require the presiding JCC to consider the provisions of the Statewide Uniform Guidelines for the Taxation of Costs, adopted by the Florida Supreme Court, in deciding what costs should appropriately be paid by the non-prevailing party. The Judges are not bound, however, by the provisions of these Guidelines.

In both of these contexts, the consideration of what does and does not represent an appropriate “cost” is ultimately left largely within the discretion of the presiding Judge. Some public comment on the 2006 Rule amendments supported that the use of the Statewide Uniform Guidelines should be mandatory rather than discretionary, and should apply to all cost considerations. Other comments suggested that these Guidelines should never be considered. The consistency of results statewide would be markedly enhanced with the development and adoption of a DOAH rule defining more specifically costs that definitively are and are not acceptable costs in workers compensation proceedings, in “taxable” and “non-taxable” contexts. Such a rule would necessarily be detailed and complex. There would therefore be considerable difficulty in reaching consensus among all system participants regarding what is and what is not a “cost.” Once all of these positions were considered, however, and a rule implemented, the benefits to all concerned in terms of consistency and predictability would be appreciable.

JUDGES GENERALLY ARE UNABLE TO MEET A PARTICULAR STATUTORY REQUIREMENT FOR REASONS BEYOND THEIR CONTROL, THE DEPUTY CHIEF JUDGE SHALL SUBMIT SUCH FINDINGS AND ANY RECOMMENDATIONS TO THE LEGISLATURE:

Each statutory requirement can clearly be accomplished in the vast majority of cases. This fact is indisputable and has been proven on more than one occasion and in various districts throughout Florida. It is therefore disingenuous to claim that cases “cannot” be tried within two hundred ten (210) days of PFB filing or that final orders “cannot” be timely issued within 30 days of trial. In a particular exceptional case, however, this standard may be unreasonable, due to the facts of that particular case. In recognition that such exceptional cases exist, the OJCC reports only the overall average time to trial and time to order for each JCC. In fiscal 2005-06 and fiscal 2006-07 one hundred percent (100%) compliance with these requirements was achieved by some individual Judges, although overall the OJCC did not meet this requirement.

A frequent reason that these statutory parameters are not met is the mandatory expert medical examiner (“EMA”) provisions. The impact of the EMA process is explained in the [2005-06 Annual Report of the Office of Judges of Compensation Claims](#).

Statutory Measures:

Judges of Compensation Claims (JCC) are appointed by the Governor for a term of four (4) years. A JCC may thereafter be re-appointed by the Governor for successive four year terms. The re-appointment process is to be initiated approximately six (6) months prior to the expiration of the JCC’s term with review of the Judge’s performance by the Statewide Nominating Commission (SNC). Fla. Stat. §440.45(2)(c),³⁷ mandates that the SNC consider “the extent to which the judge has met the requirements of this chapter, including, but not limited to” the following eight specific statutory provisions: Fla. Stat. §440.25(1)³⁸(timely mediation), Fla. Stat. §440.25(4)(a)³⁹(pretrial procedure), Fla. Stat. §440.25(4)(b)⁴⁰(appropriate continuance grounds and orders), Fla. Stat. §440.25(4)(c)⁴¹(timely final hearing notice), Fla. Stat. §440.25(4)(d)⁴²(timely final hearings and final orders), Fla. Stat. §440.25(4)(e)⁴³(final order filing), Fla. Stat. §440.34(2)(appropriate fee order findings), Fla. Stat. §440.442⁴⁴(Compliance with Code of Judicial Conduct). Despite the clear statutory mandate for such reporting, these statutory measures have not previously been reported by the OJCC. This annual report marks the initial

OJCC effort at fulfillment of this reporting requirement. This report documents four of the eight parameters for each JCC:

- Timely mediation
- Timely final hearings and final orders
- Final order filing
- Compliance with Code of Judicial Conduct.

The OJCC will strive in 2007-08 to develop methods for compiling and reporting information on the remaining four parameters:

- Pretrial procedure
- Appropriate continuance grounds and orders
- Timely final hearing notice
- Appropriate fee order findings

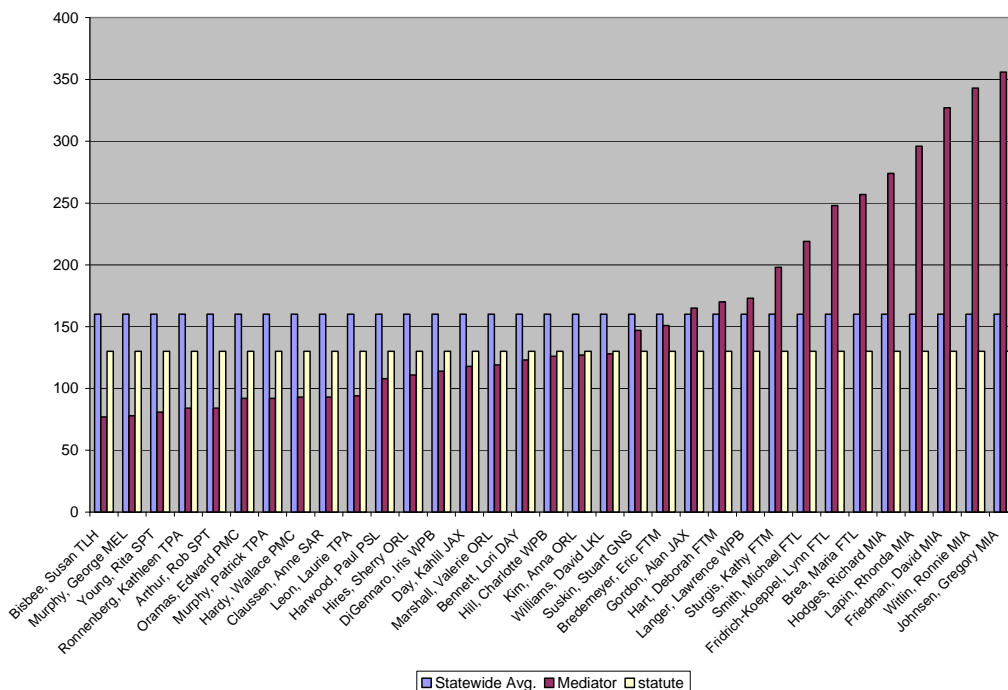
Although the reporting of these specific measures is mandated by Statute, these measures do not completely evaluate the volume of work required of a JCC. Therefore, it is also appropriate to quantify variations in work-load between and among Judges and districts. Furthermore, these statutory measures and workload volumes document certain activities, but do not necessarily reflect judicial performance. Any consideration of judicial performance must also include subjective factors such as judicial demeanor, courtesy to litigants and counsel, and respect of the Office and the responsibilities it embodies. In an effort to evaluate these factors, the OJCC is developing a judicial performance survey in conjunction with the Workers' Compensation Section of The Florida Bar.

For the purposes of this report, "final hearings" include: Evidentiary Motion Hearing, Expedited Final Hearing, Fee Amount Hearing, Fee Entitlement Hearing, Final Hearing, and Fund Hearings. Therefore the information herein regarding the timely conduct of hearings and entry of "final orders" includes analysis of all instances of these types of "trials," and the orders that result.

Mediation:

Timeliness of is addressed in Fla. Stat. §440.25(1). This Legislative measure requires that mediation on each PFB must be held within 130 days of the PFB being filed. This statute also requires that mediation is continued only if the parties agree or if good cause is shown. This graph depicts the average number of days between PFB filing and the first mediation for each OJCC mediator in the state (red bars). The statewide average is also depicted (blue bars). The average days between PFB filing and the first mediation is also provided for the mediators within each district in the district appendices at the end of this report.

The frequency of mediation held within 130 days of PFB filing is stated in the various appendices of this report, along with the statewide average of timely mediations.



Pretrial Hearing:

The timeliness of pretrial hearings is addressed in Fla. Stat. §440.25(4)(a). This statutory measure requires that the JCC conducts a pretrial hearing prior to trial and that the JCC provide the parties with fourteen days notice of such hearing. The OJCC will report on this standard in 2007-08.

Final Hearing Notice:

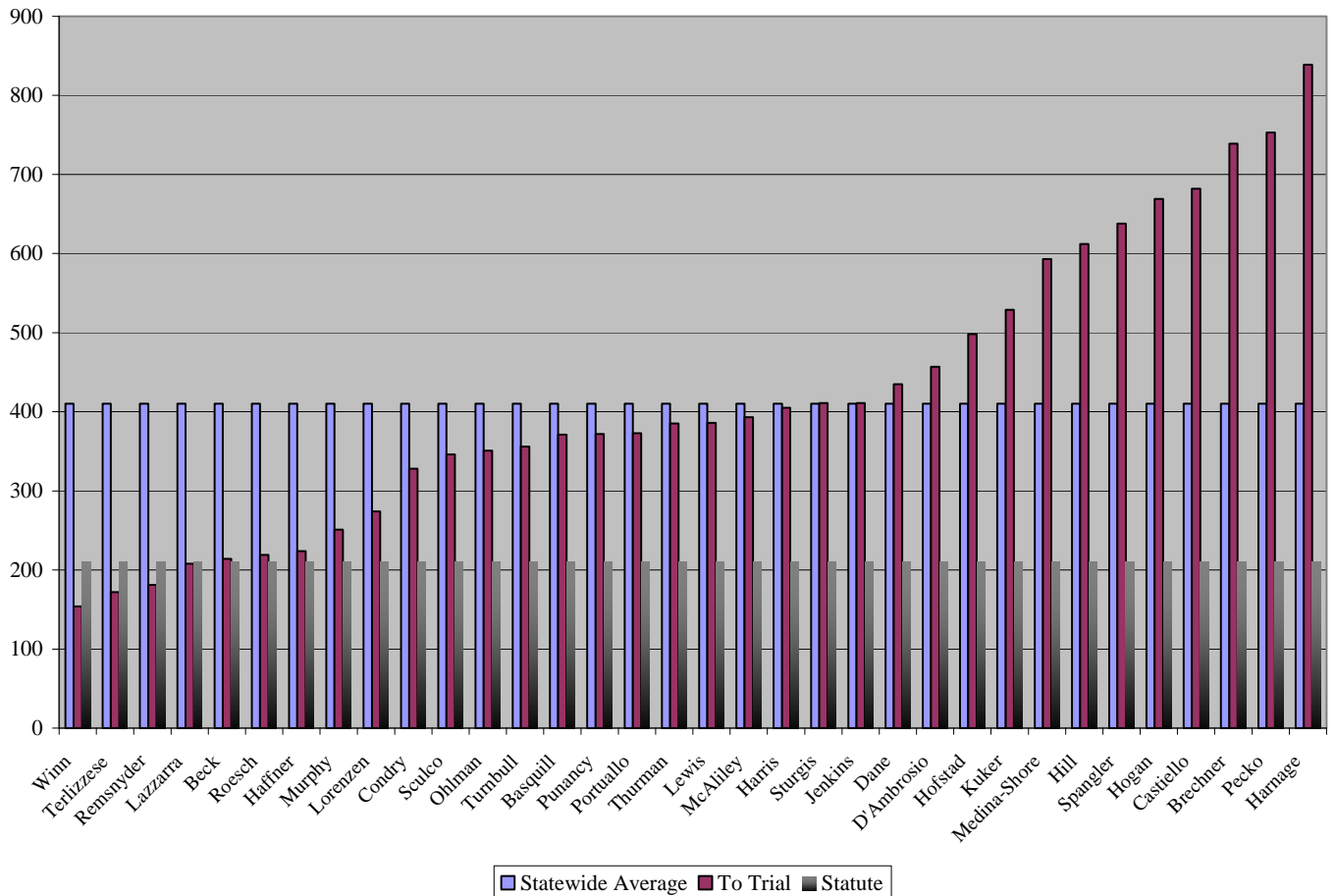
Timely notice of final hearings is mandated by Fla. Stat. §440.25(4)(c). This statutory measure requires that the Judge provide the parties with fourteen (14) days notice of final hearings. The OJCC will report on this standard in 2007-08.

Final Hearing Continuance:

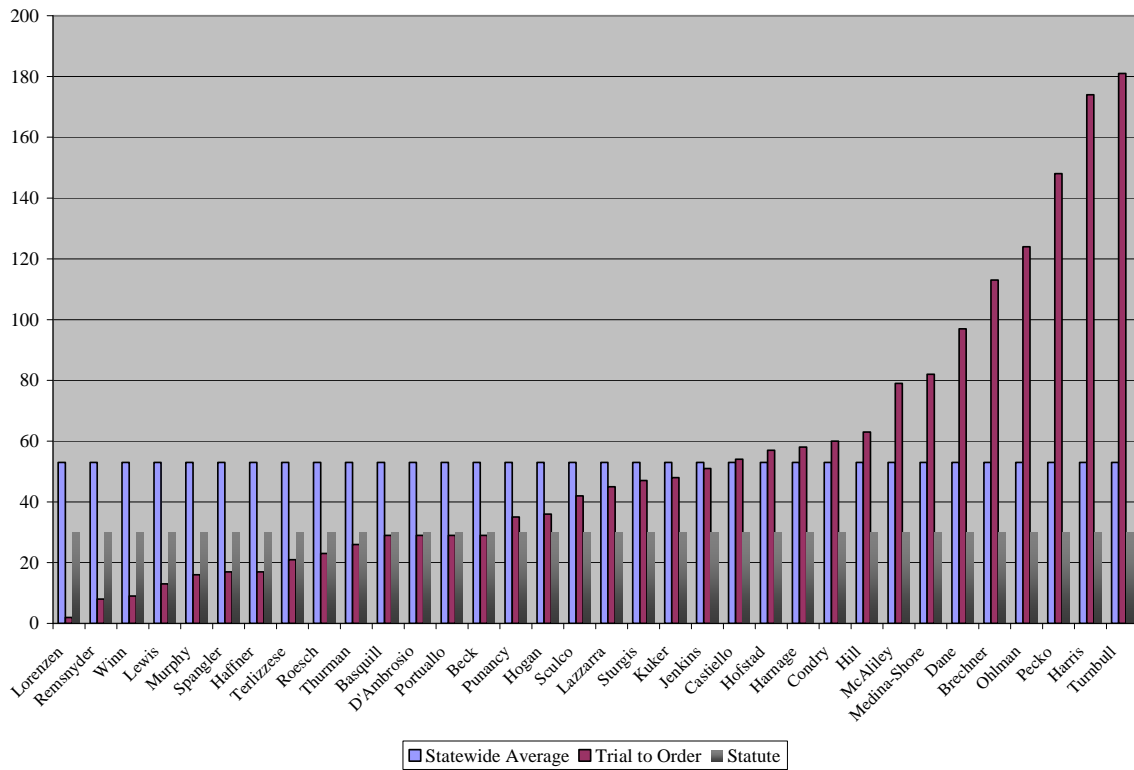
Continuance of final hearings is addressed in Fla. Stat. §440.25(4)(b). This statutory measure requires that the Judge generally only grant continuance in defined circumstances. Appropriate continuance orders will specifically recite and describe the existence of circumstances beyond the movant's control. The OJCC will report on this standard in 2007-08.

Timely Final Hearings and Final Orders:

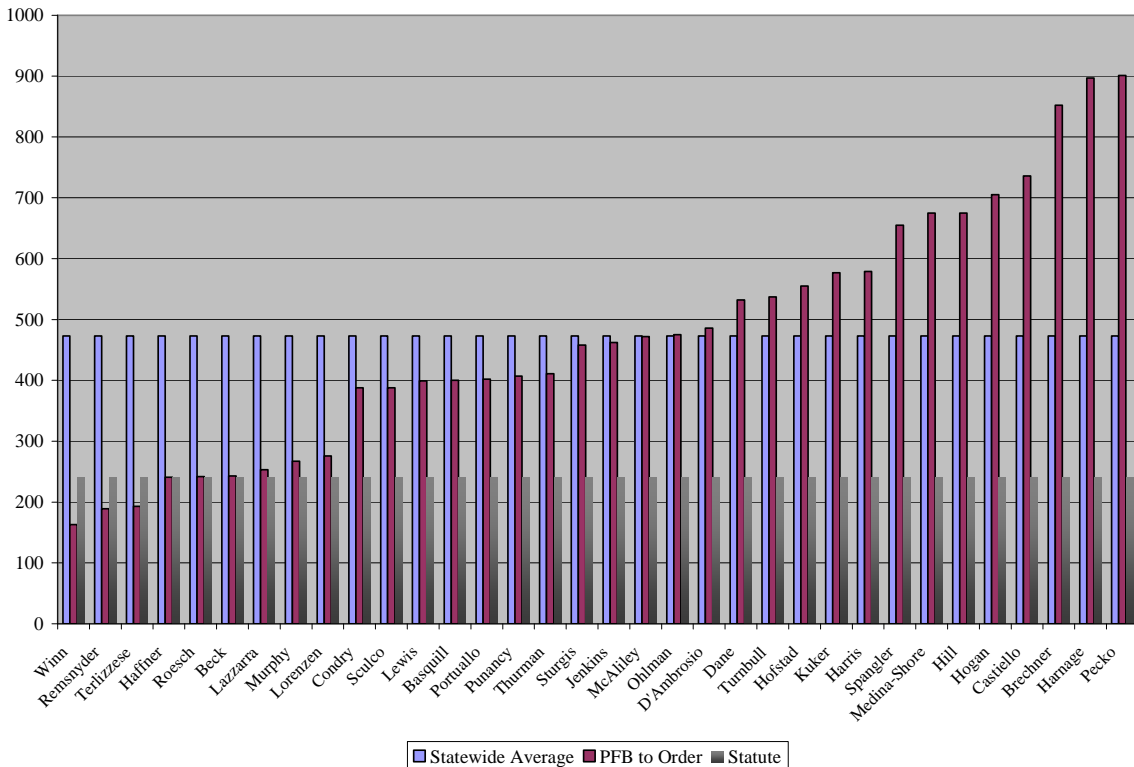
Timely final hearing proceedings are defined by Fla. Stat. §440.25(4)(d). This Legislatively mandated measure requires that the Judge conduct final hearing within two hundred ten (210) days of PFB filing. This statute also mandates that the resulting final order be published and served within thirty (30) days of the final hearing. Each trial order entered by each JCC during the year was reviewed. For each Judge, this report states the average number of days between PFB and trial, (2) the average number of days between trial and final order. The following graph depicts each JCC's average number of days between PFB filing and the first day of trial.



Each JCC's average is also set forth in the district appendices that follow this report. The following graph depicts the average number of days between the commencement of trial and the entry of a final order for each JCC.



The following graph depicts each JCC's average number of days between PFB filing and entry of the final order (red bars), the statewide average (blue bars) and the combined statutory standard of 240 (201 PFB to trial plus 30 trial to order) days.



Final Order Filing:

The filing of final orders in Tallahassee, Florida is mandated by Fla. Stat. §440.25(4)(e). This statutory measure requires that the Judge file all final orders with the Office of the Judges of Compensation Claims in Tallahassee, Florida. The data supports that all of the JCCs are in complete compliance with this statutory requirement.

Attorney Fee Orders:

Contents of attorney fee orders is addressed in Fla. Stat. §440.34(2).⁴⁵ This statutory measure requires the JCC to identify the amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. This measure will be calculated by review of fee amount orders entered by each JCC. The OJCC will report on this standard in 2007-08.

Compliance with the Code of Judicial Conduct:

JCC judicial conduct is controlled by Fla. Stat. §440.442. This Legislatively mandated measure requires that the Judge of Compensation Claims comply with the Code of Judicial Conduct. Complaints regarding failure to comply with this Code are investigated by the Director of the Division of administrative Hearings (DOAH). No JCC was found to have violated the Code in fiscal 2006-07. Therefore, each JCC fulfilled this measure for fiscal year 2006-07.

Conclusion:

The OJCC has made great strides in 2006-07 to bring uniformity and consistency to performance. The OJCC recognizes the integral role that technology will play in the future of all litigation, and has embraced the benefits of electronic filing and web-based dissemination of information. These technological advances facilitate the efficient practice of law, and their employment by the OJCC will work to the advantage of all constituents of the OJCC litigation process. As these enhancements facilitate more efficient legal practice and as trends continue to litigation on a statewide basis, the OJCC will continue to strive for ever greater consistency in district and division operations and processes.

Glossary of Terms:

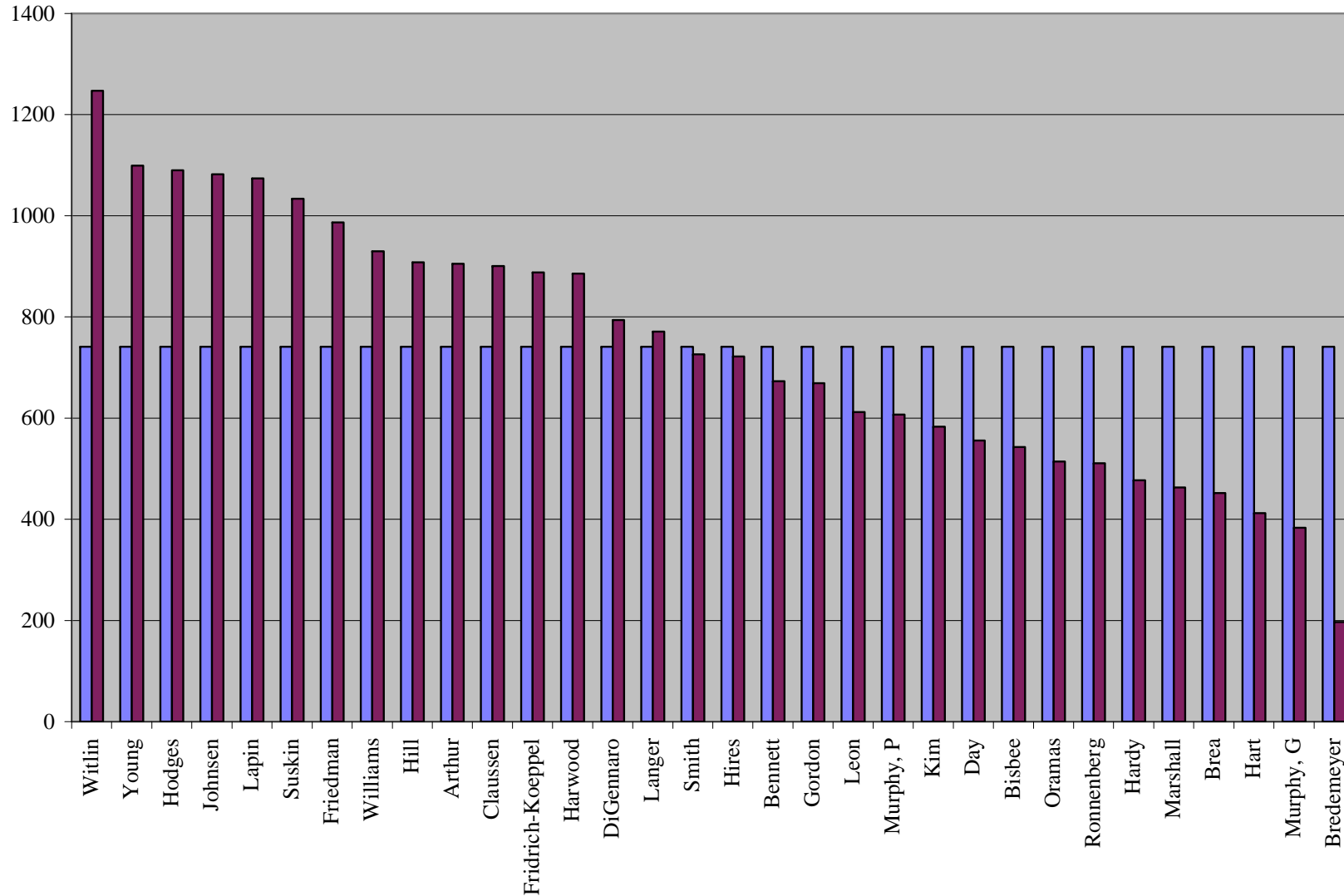
| | |
|----------|---|
| District | The OJCC operates seventeen offices throughout Florida. Each of these is responsible for adjudication of disputes regarding accidents in one or more counties in that vicinity. These groups of counties are “districts,” and the offices are referred to as “district offices.” |
| Division | A subdivision of the Office of Judges of Compensation Claims (“OJCC”) managed a Judge, and consisting of that Judge, a State Mediator, and various clerical personnel. |
| DFS | The “Department of Financial Services” is an autonomous department of the Executive branch which is under the authority of the Chief Financial Officer. |
| DLES | The “Department of Labor and Employment Security” was an autonomous portion of the Executive branch of Florida government until 2001. While that Department existed, the OJCC and the DWC were both part of it. When it was dissolved, the OJCC was transferred to the DOAH and the DWC was transferred to the DFS. |
| DOAH | The “Division of Administrative Hearings” is an autonomous Division, which is part of the Department of Management Services, and part of the Executive branch of Florida government responsible to the Governor. |

| | |
|-----------------|---|
| DWC | The “Division of Workers’ Compensation” or DWC is part of the Department of Financial Services (“DFS”), and part of the Executive branch of Florida government responsible to the Chief Financial Officer (“CFO”). |
| E/C | An insured “employer” and their “carrier” from whom disputed workers’ compensation benefits are sought are generally referred to collectively as the “employer/carrier” or E/C. |
| e-JCC | The “electronic JCC” is an internet-based computer program that allows attorneys and adjusters to electronically file documents in workers’ compensation disputes pending before the OJCC. |
| e-PFB | A web-form available to users of the e-JCC system. This form allows preparation and filing of an “electronic petition for benefits.” |
| e-RACN | A web-form available to users of the e-JCC system. This form allows preparation and filing of an “electronic request for assignment of case number,” and provides virtually instantaneous assignment. |
| e-Response | A web-form available to users of the e-JCC system. This form allows adjusters to prepare and file an “electronic response to petition for benefits.” |
| e-Service | An electronic mail alternative to the U.S. Postal Service, which will allow users of the e-JCC system to serve copies of pleadings on other users through e-mail. |
| E/SA | Many self-insured “employers” utilize companies to facilitate payment of worker’s compensation benefits to injured workers. These “employers” and these “servicing agents” are generally referred to collectively as the “employer/servicing agent” or E/SA. |
| JCC | The “Judge of Compensation Claims” is an individual appointed by the Governor for a term of four years. Each JCC is the head of one of the thirty-two divisions in the OJCC. |
| JCC Application | The case management program used by the OJCC to document pleadings filed, orders entered, hearings scheduled or conducted, and other case activity. This Application is also a database from which statistics for this report are generated. |
| Mediation | A process of informal dispute resolution in which an independent intermediary works with all litigants in a case to find compromise solutions to disputes. Mediation has been mandatory in Florida workers’ compensation cases since 1994. |
| OJCC | The “Office of Judges of Compensation Claims” is a small State organization comprised of a Deputy Chief Judge, thirty-two Judges of Compensation Claims (“JCC”), thirty-two mediators, and approximately one hundred forty support personnel. In 2001 it was transferred from the Department of Labor and Employment Security (“DLES”) to the Division of Administrative Hearings (“DOAH”). |
| PFB | A pleading called a “Petition for Benefits” or PFB is the document that usually invokes the jurisdiction of the Office of Judges of Compensation Claims (“OJCC”) and begins the litigation of some dispute regarding workers compensation benefits. |

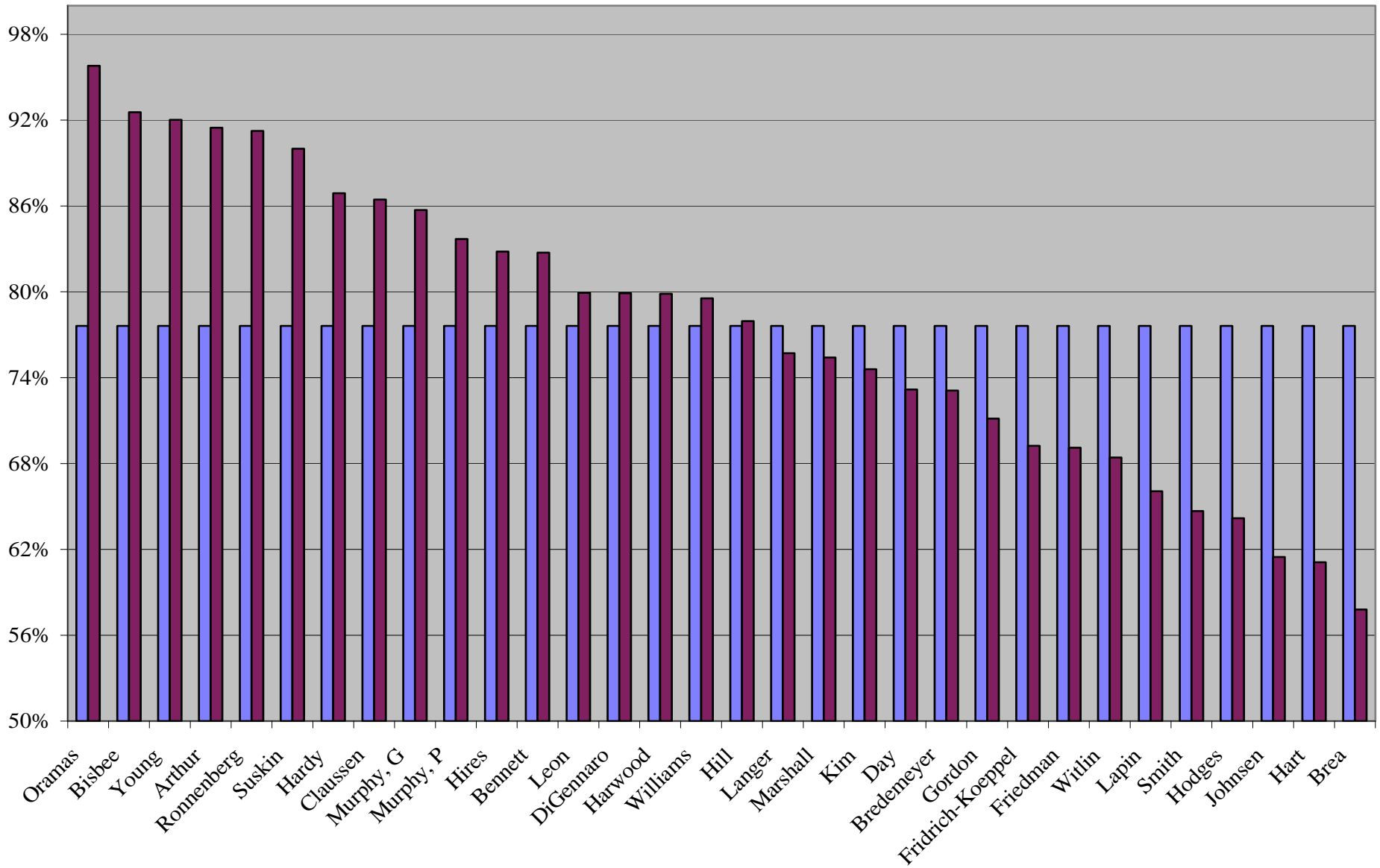
Appendix “1” Mediation Statistics Detail:

In the following graphs, the statewide average is reflected by a blue bar and each individual mediator’s performance is reflected by a red bar.

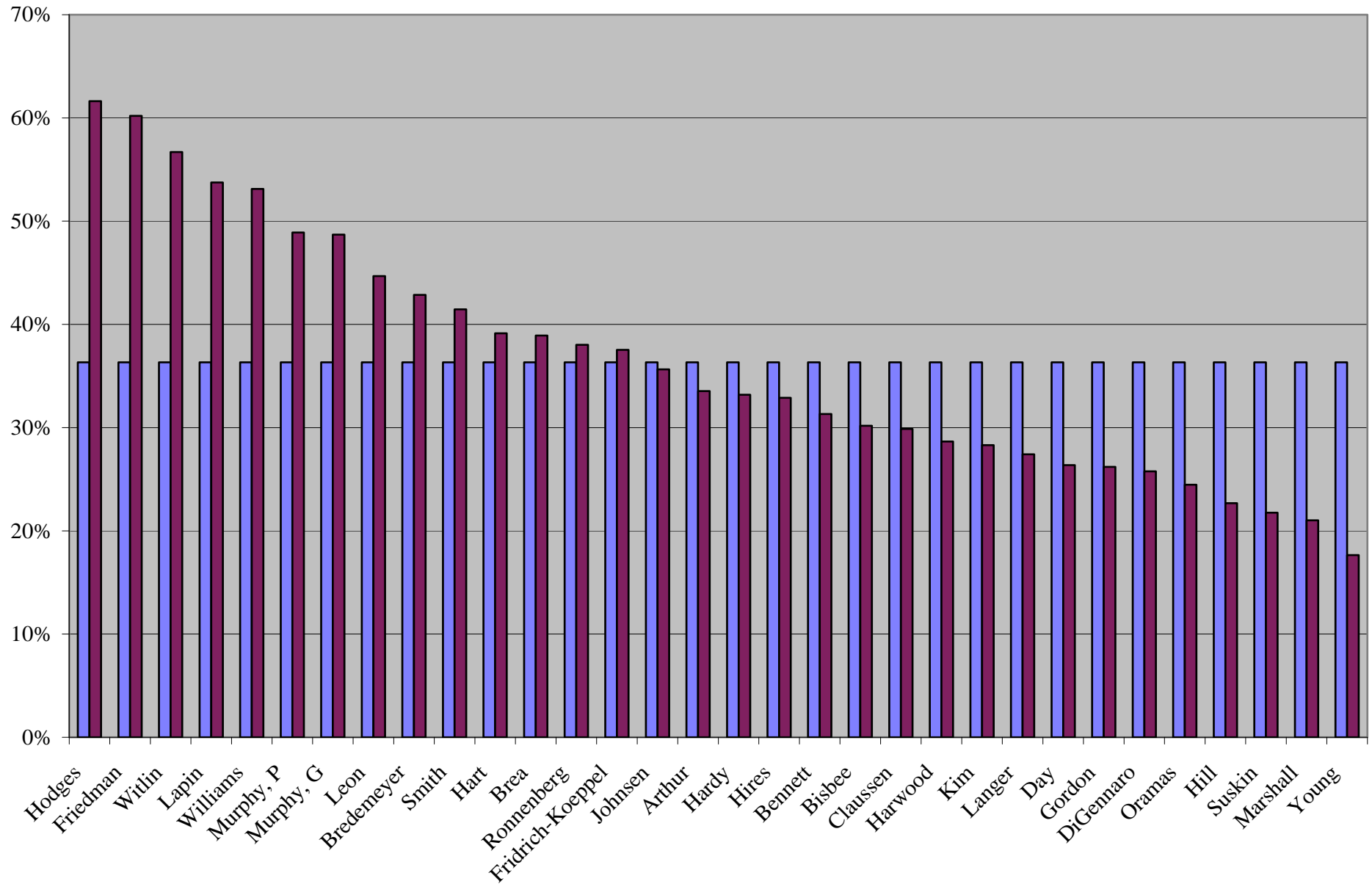
Mediations held by each state mediator:



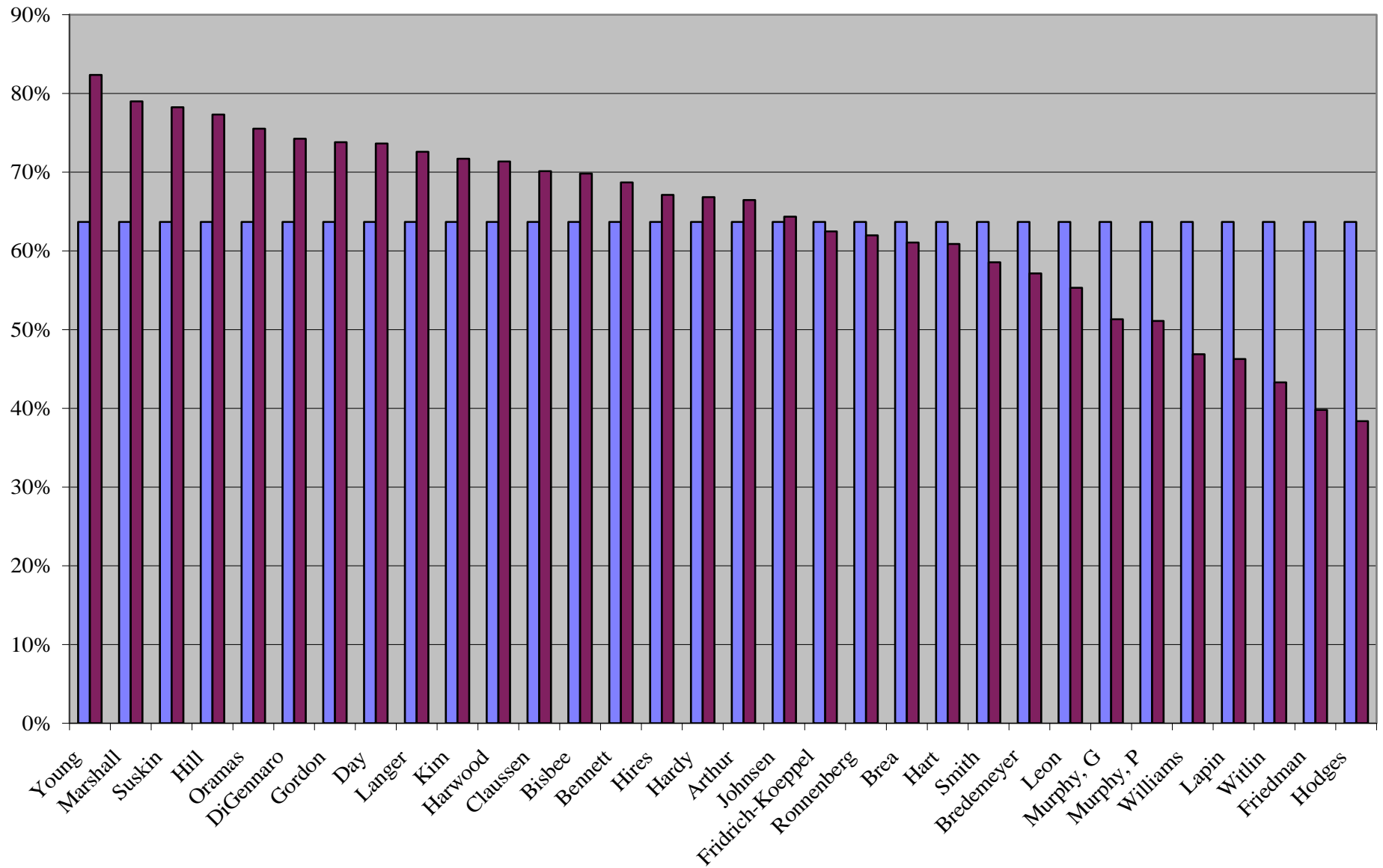
Percentage of mediations held within 130 days:



IMPASSE:

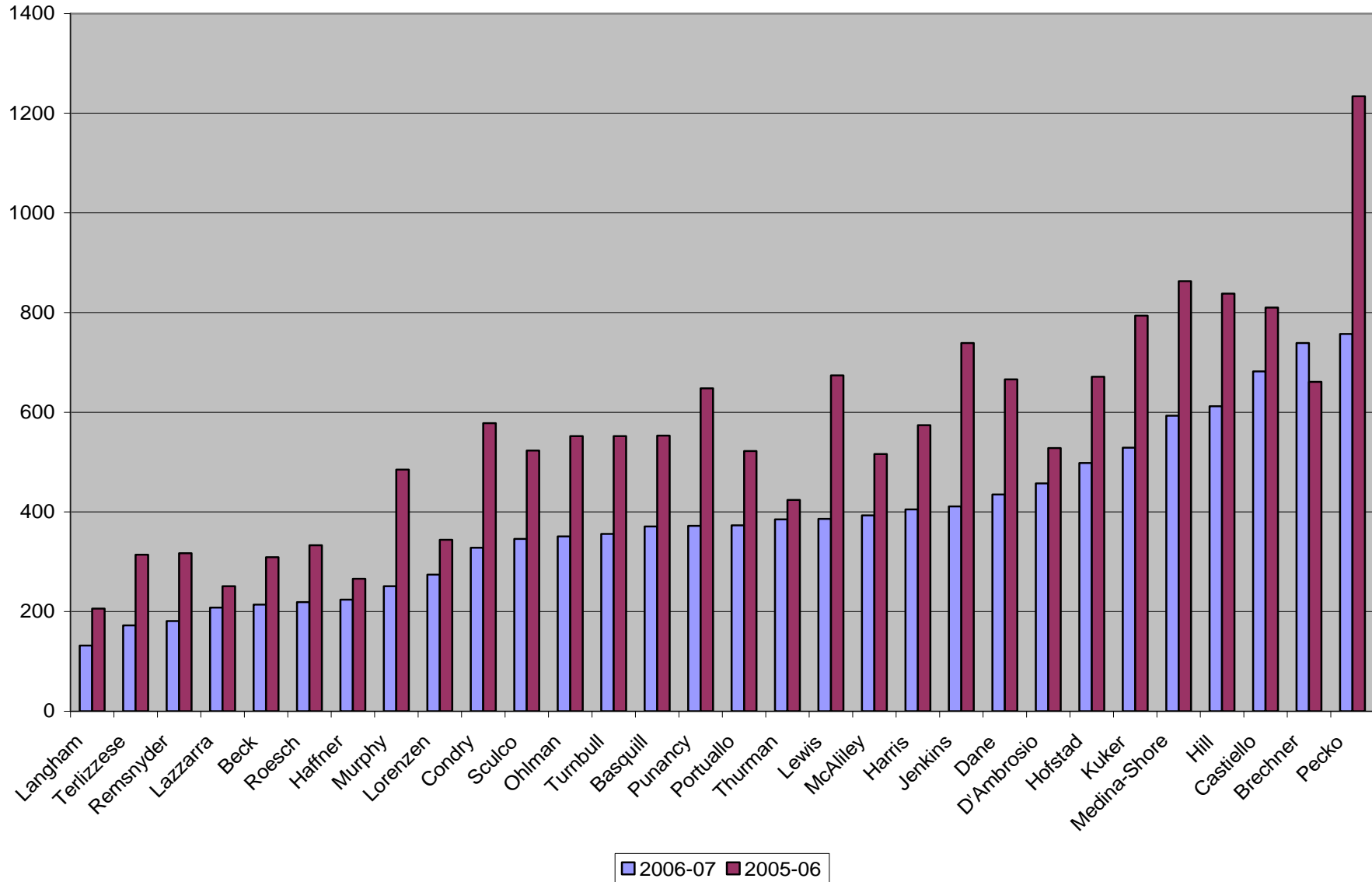


SOME OR ALL ISSUES RESOLVED:

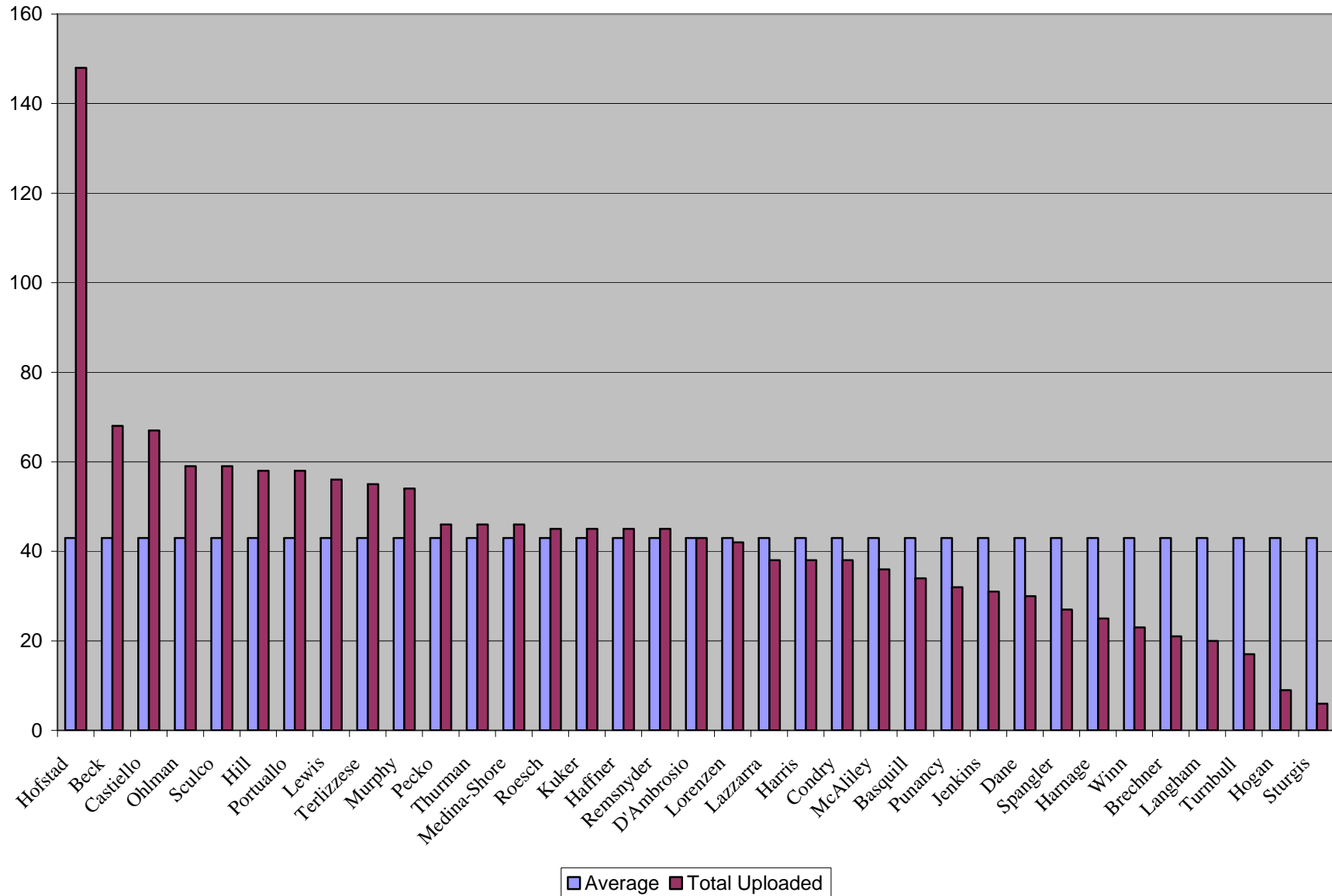


Appendix “2” Trial Statistics Detail:

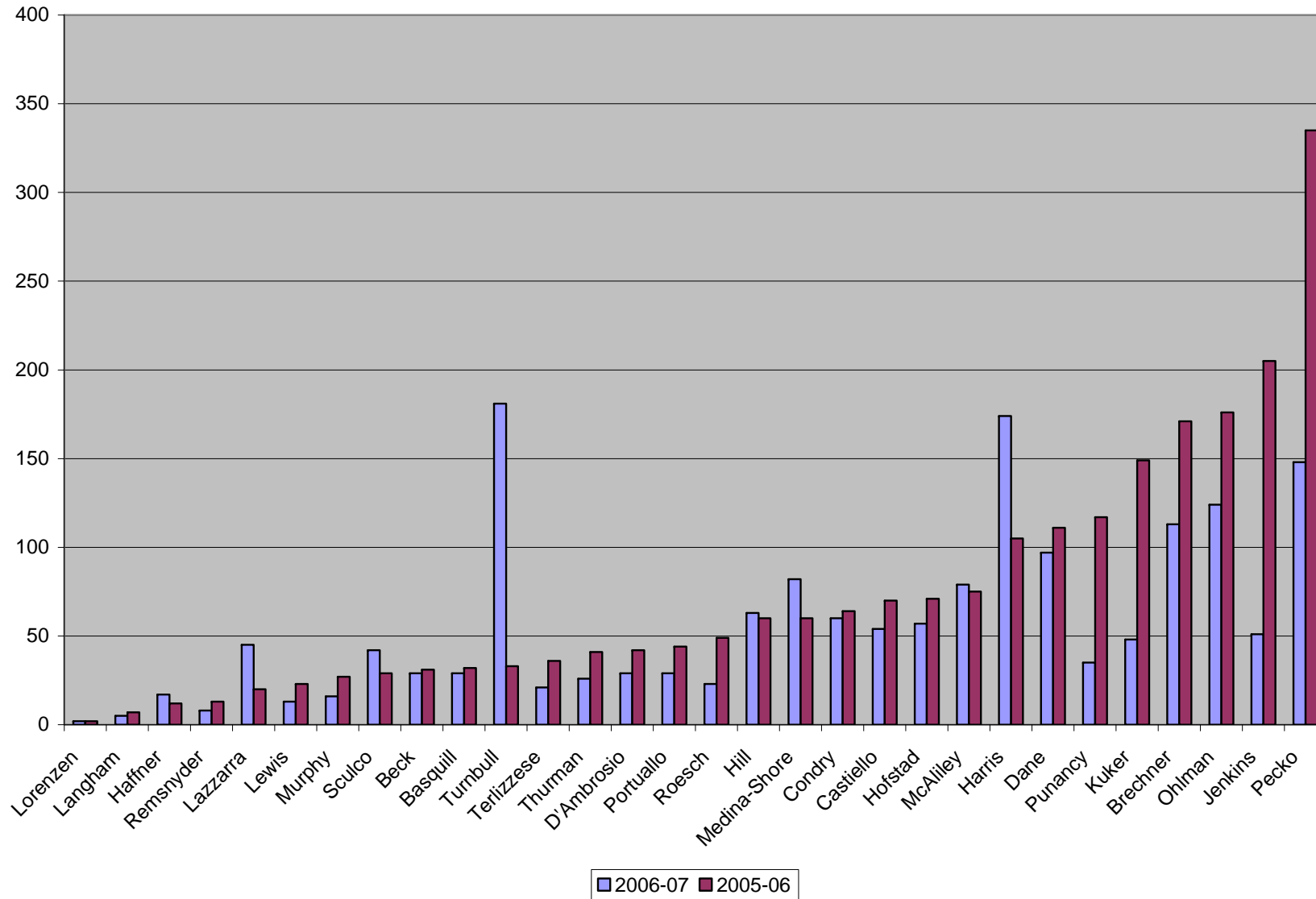
The following graph depicts the average days from PFB to trial for all JCCs that were sitting Judges in 2005-06 and 2006-07. The blue bars represent each Judge’s average days for 2006-07 and the red bars represent that Judge’s average days for 2005-06. Notably every current JCC made improvement in 2006-07, and some improvements were dramatic.



The following graph depicts the volume of trial orders uploaded by each Judge (red bars) and the statewide average for all Judges (blue bars). Notably, some Judges depicted were appointed during fiscal 2006-07. Therefore the volumes for Judges Sturgis, Spangler, Winn, and Hogan represent only approximately six months, while Judge Harnage's data represents about nine months.

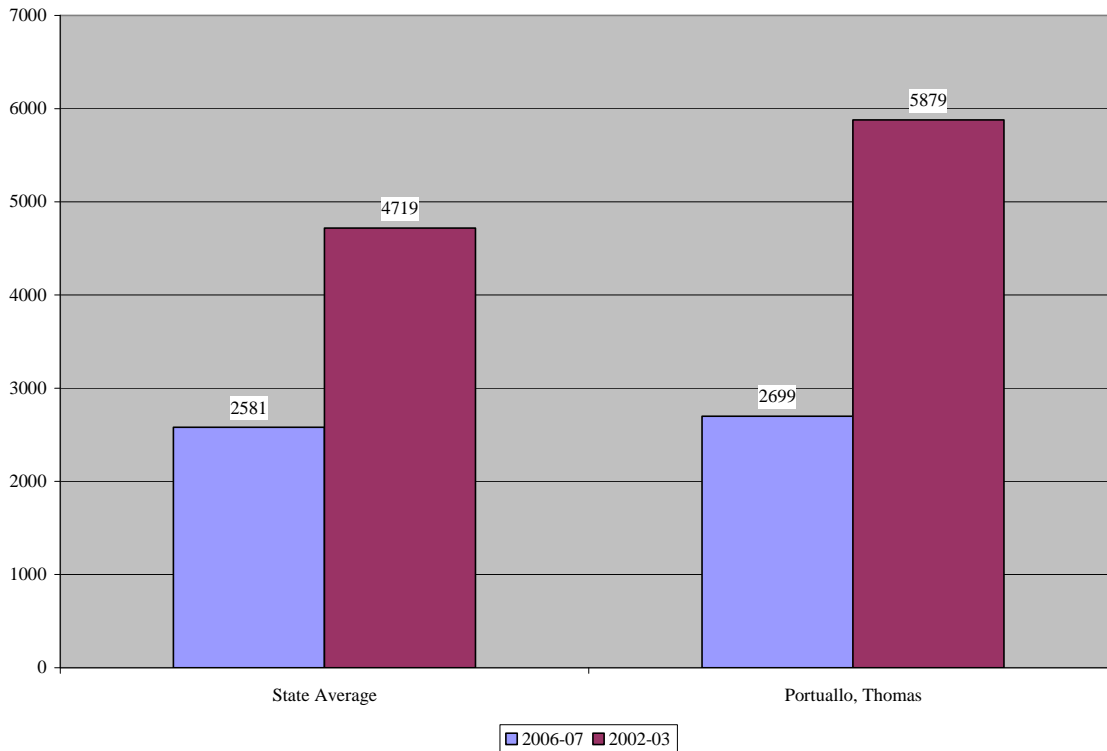


The following graph depicts the average days from trial to final order for all JCCs that were sitting Judges in 2005-06 and 2006-07. The blue bars represent each Judge's average days for 2006-07 and the red bars represent that Judge's average days for 2005-06. Notably many current JCCs made improvement in 2006-07, and some improvements were dramatic.

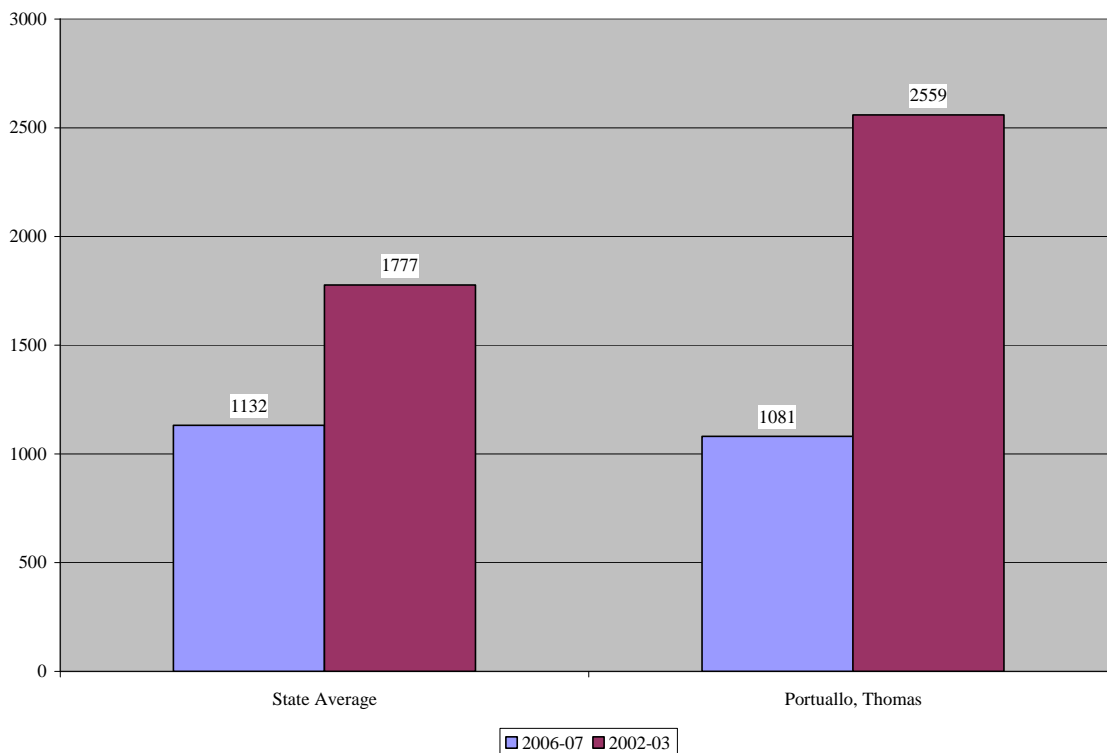


Appendix “3” District DAY (Portuallo):

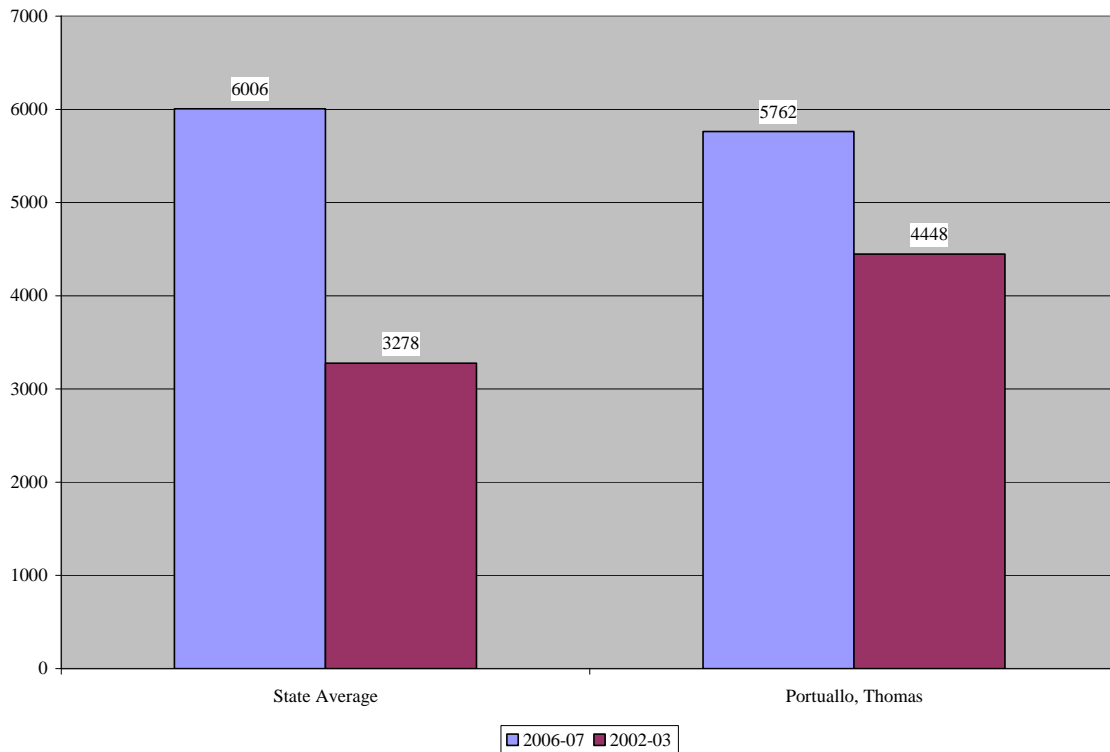
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



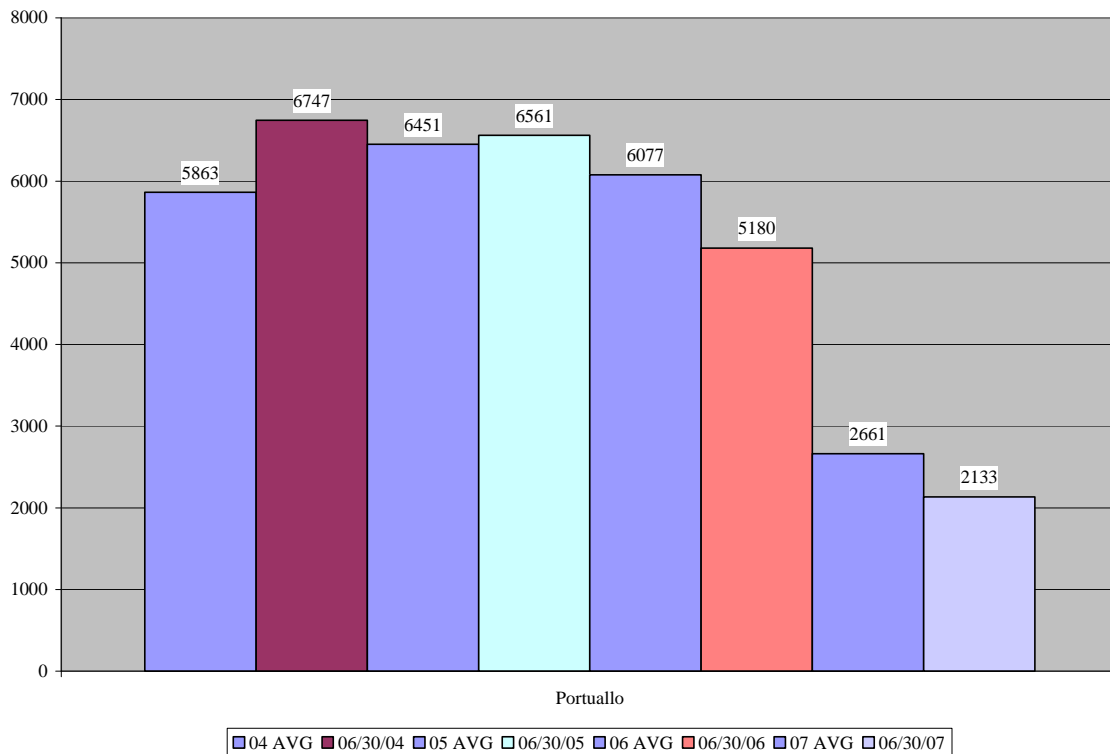
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



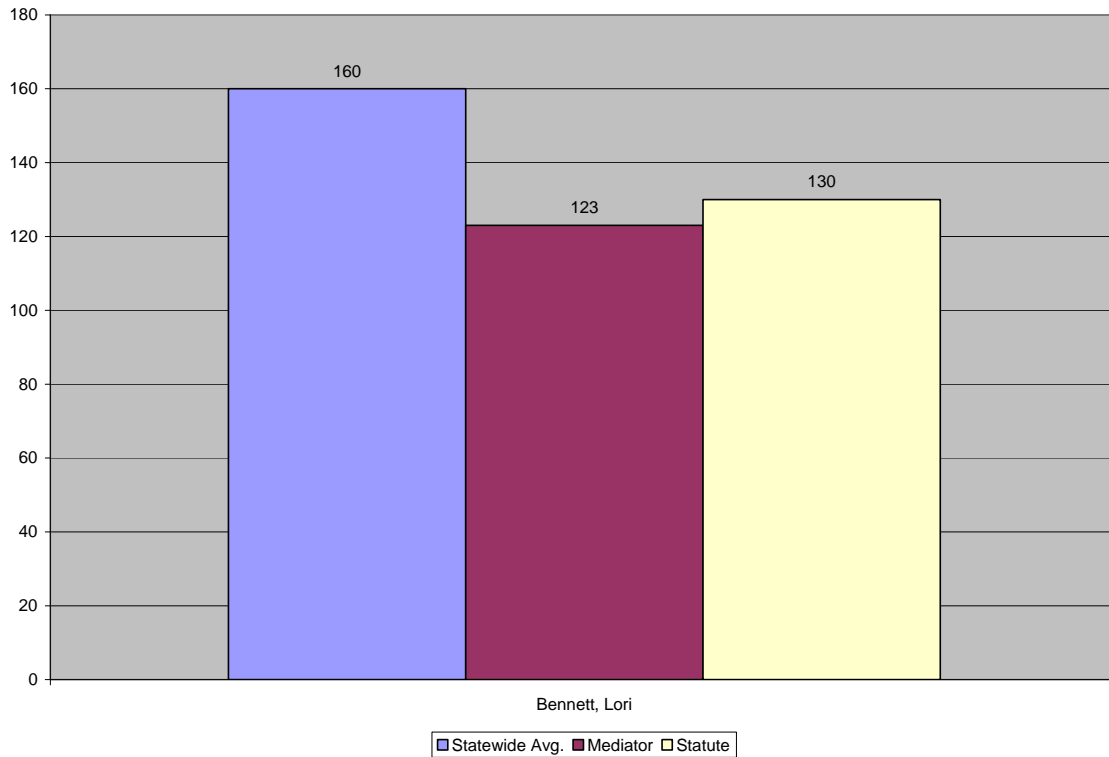
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



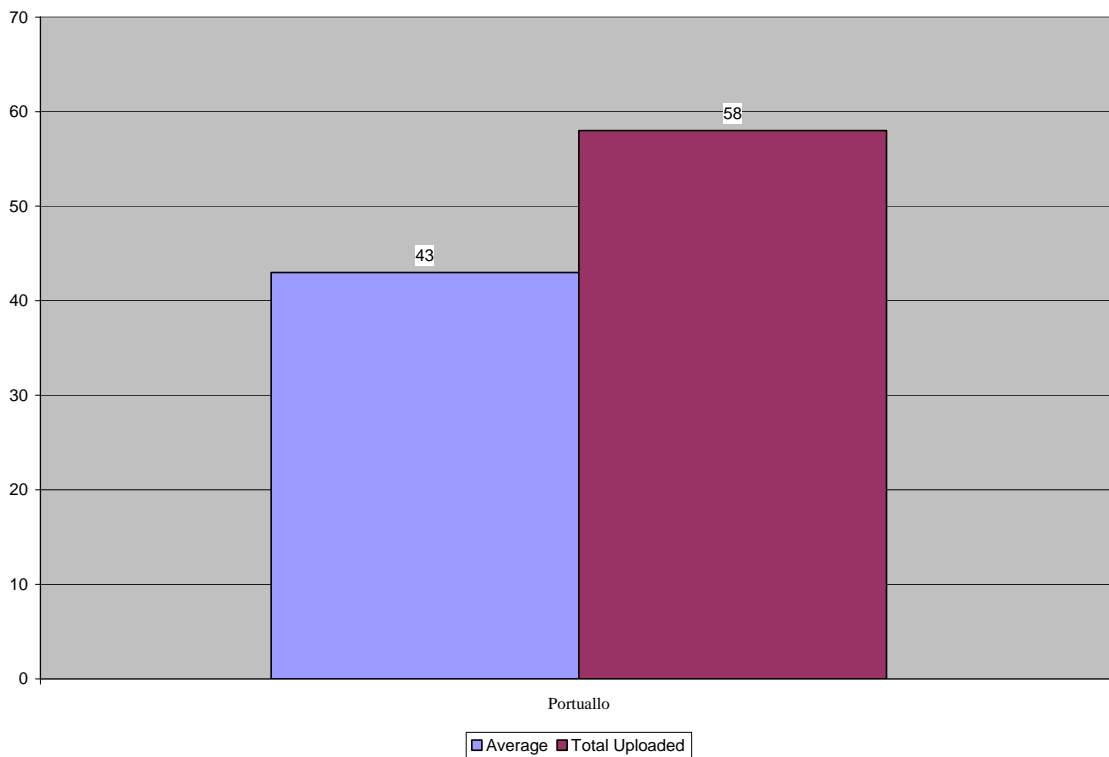
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



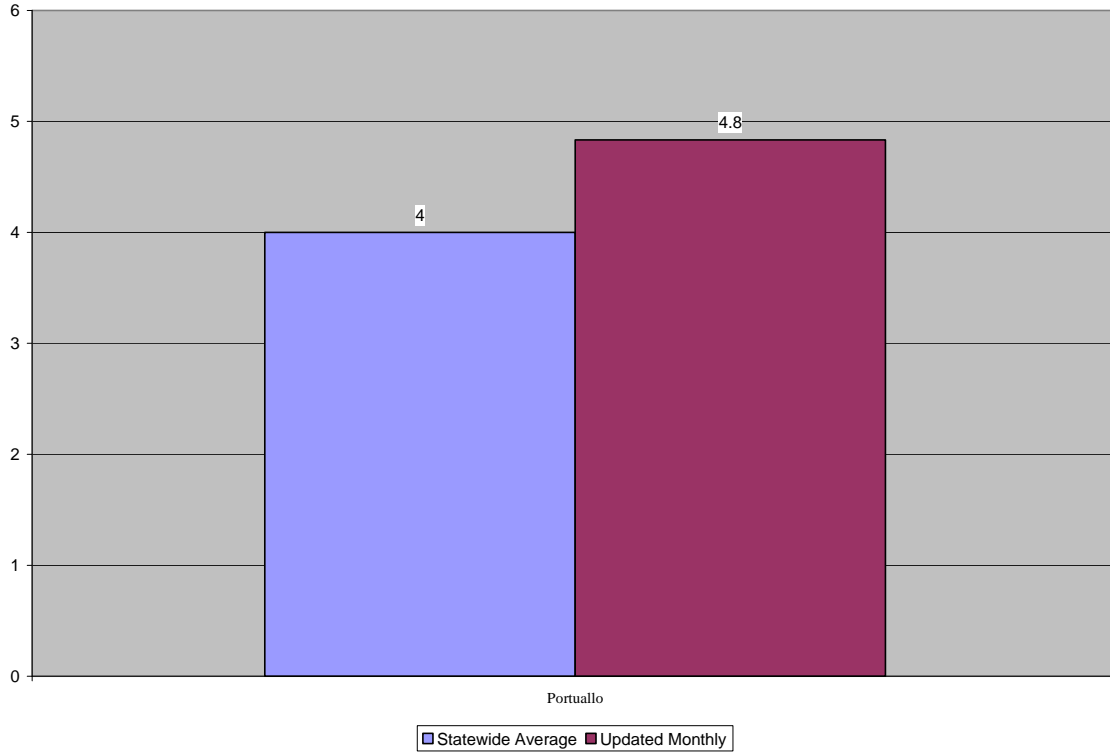
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



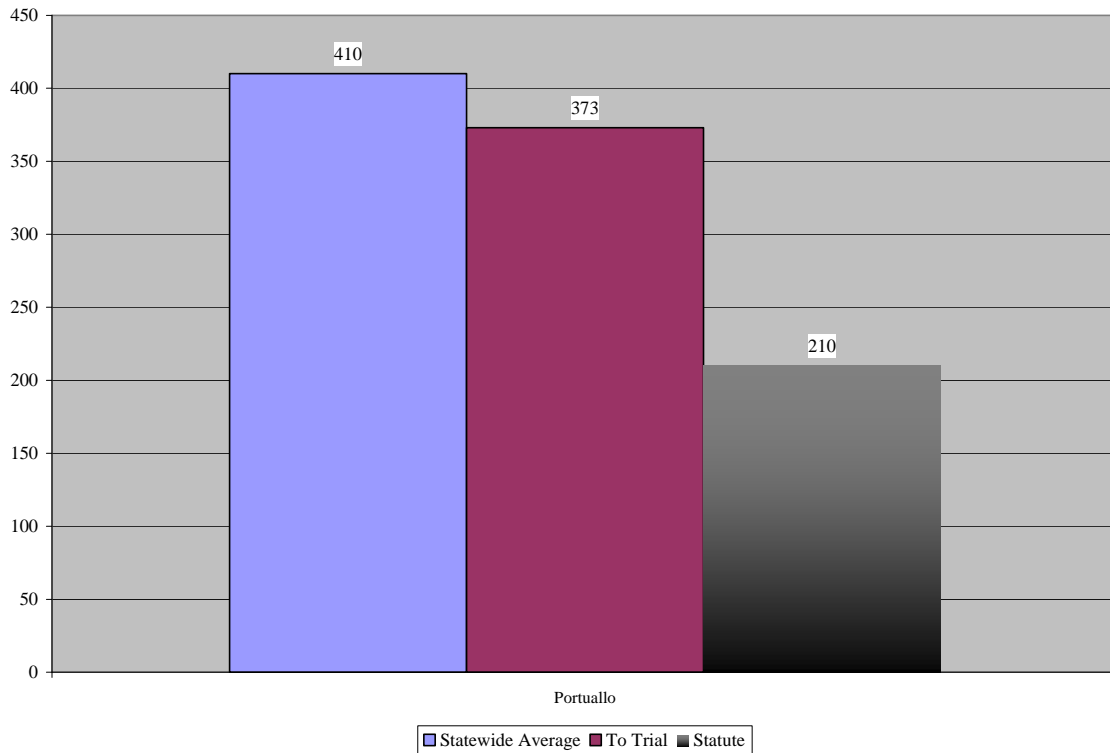
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



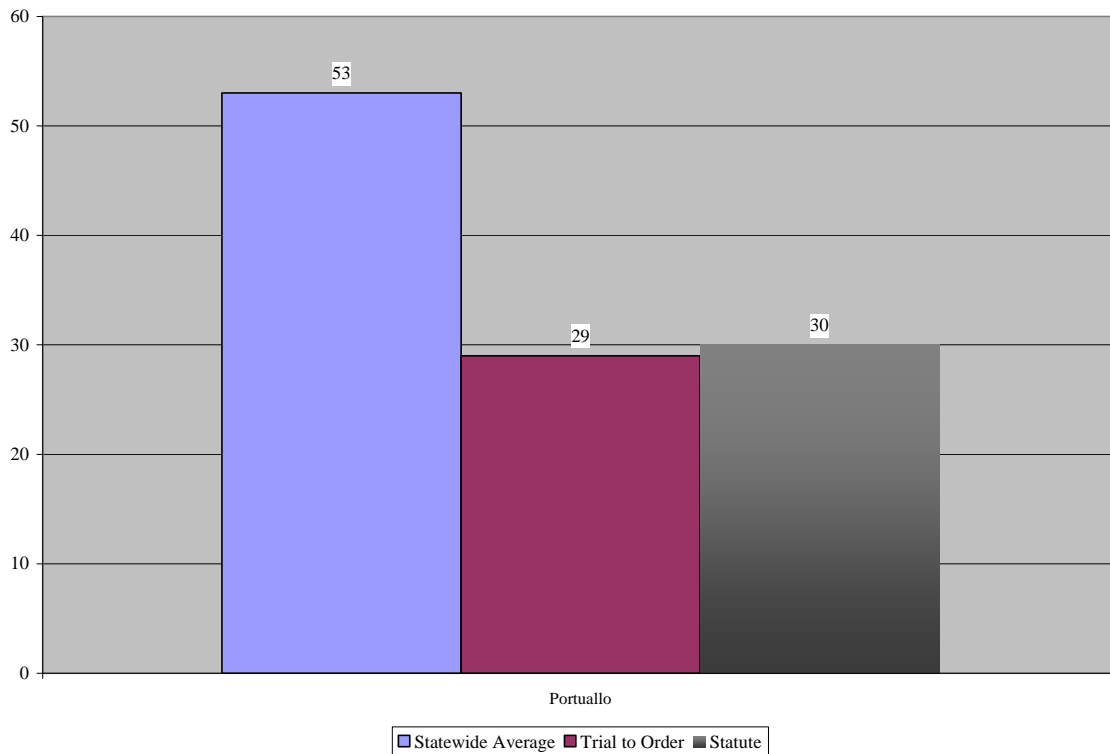
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



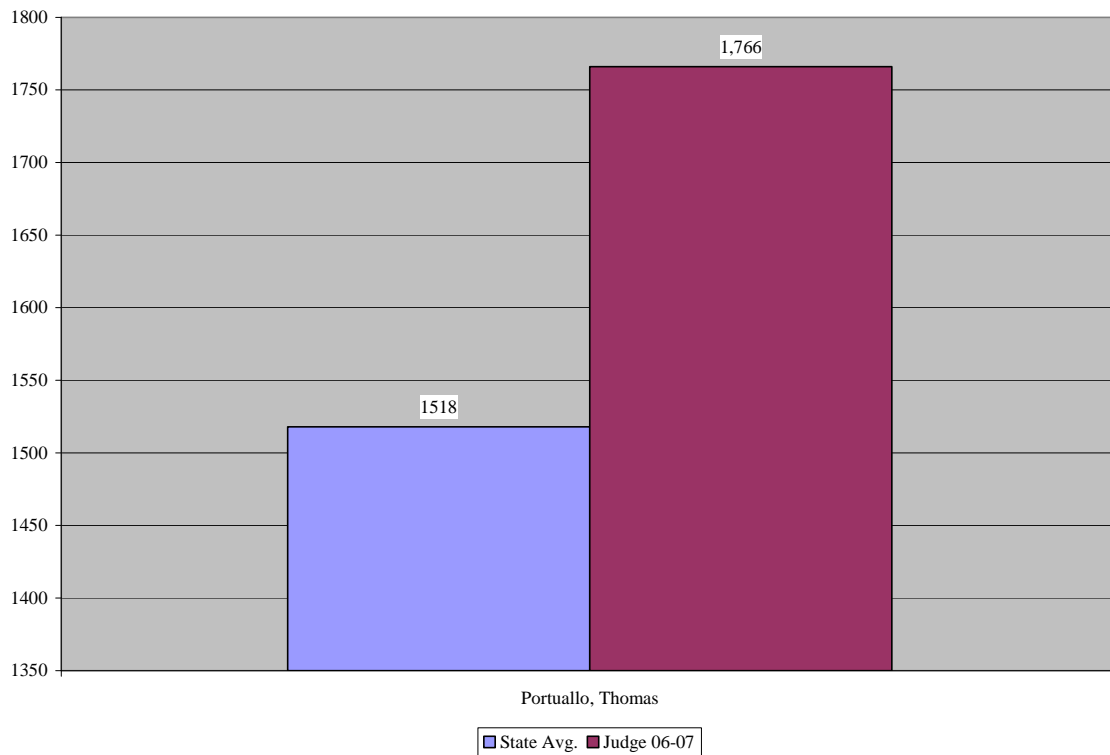
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



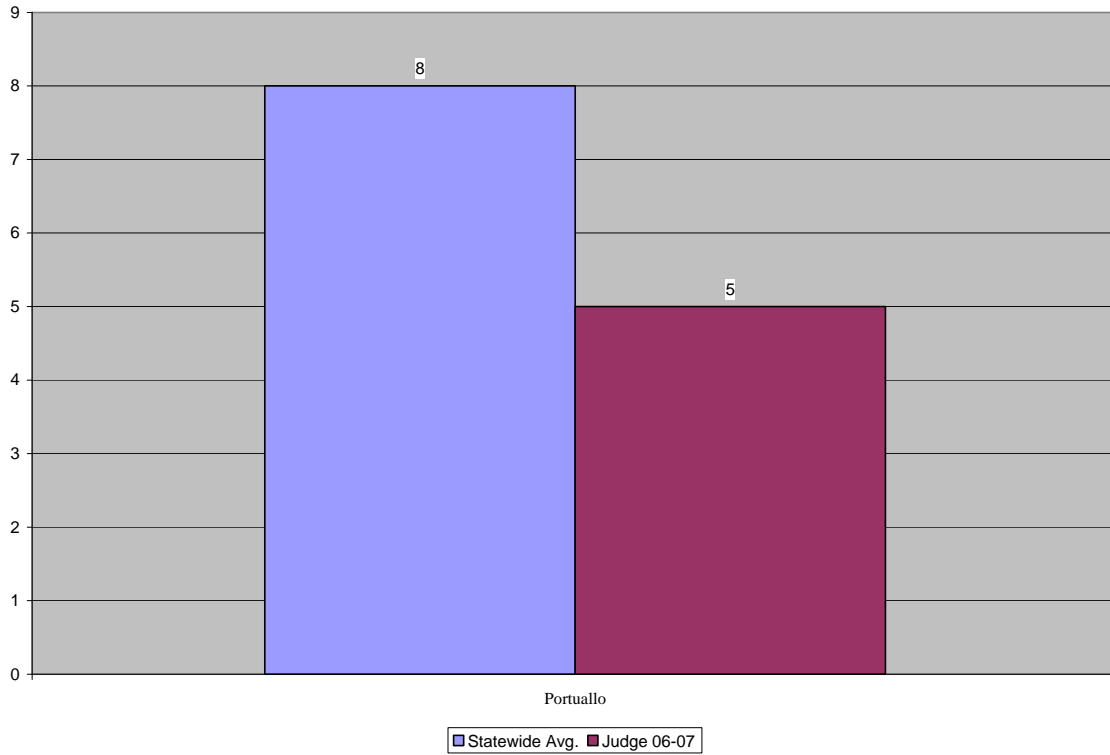
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



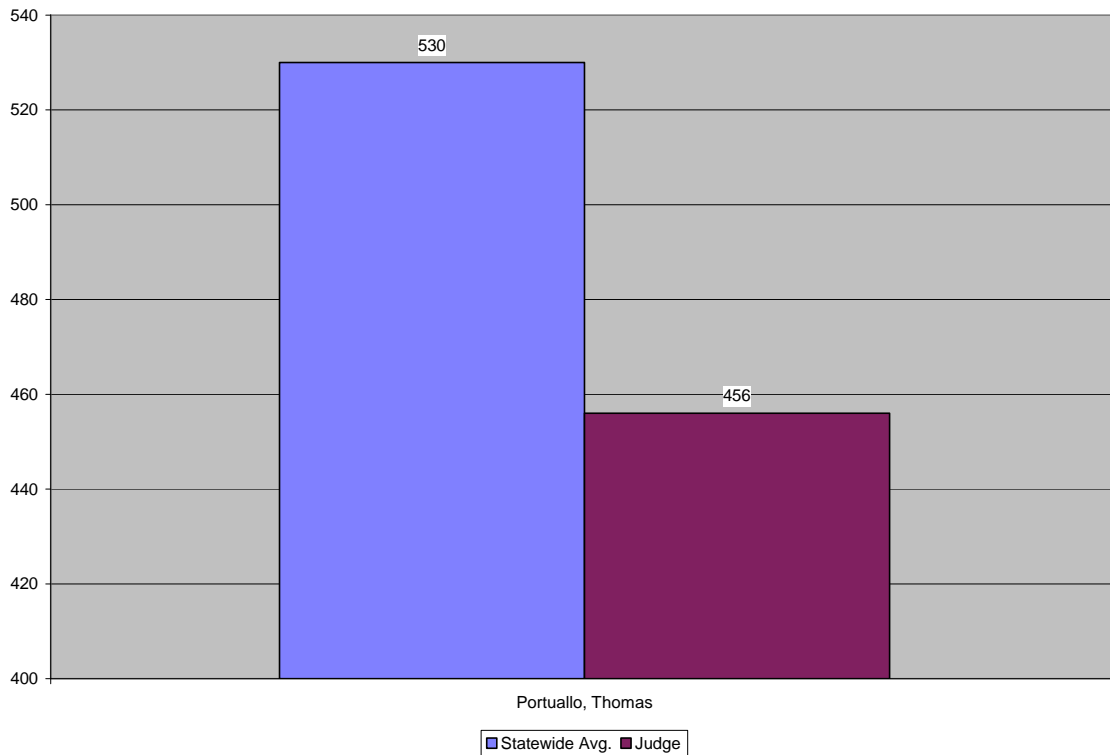
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



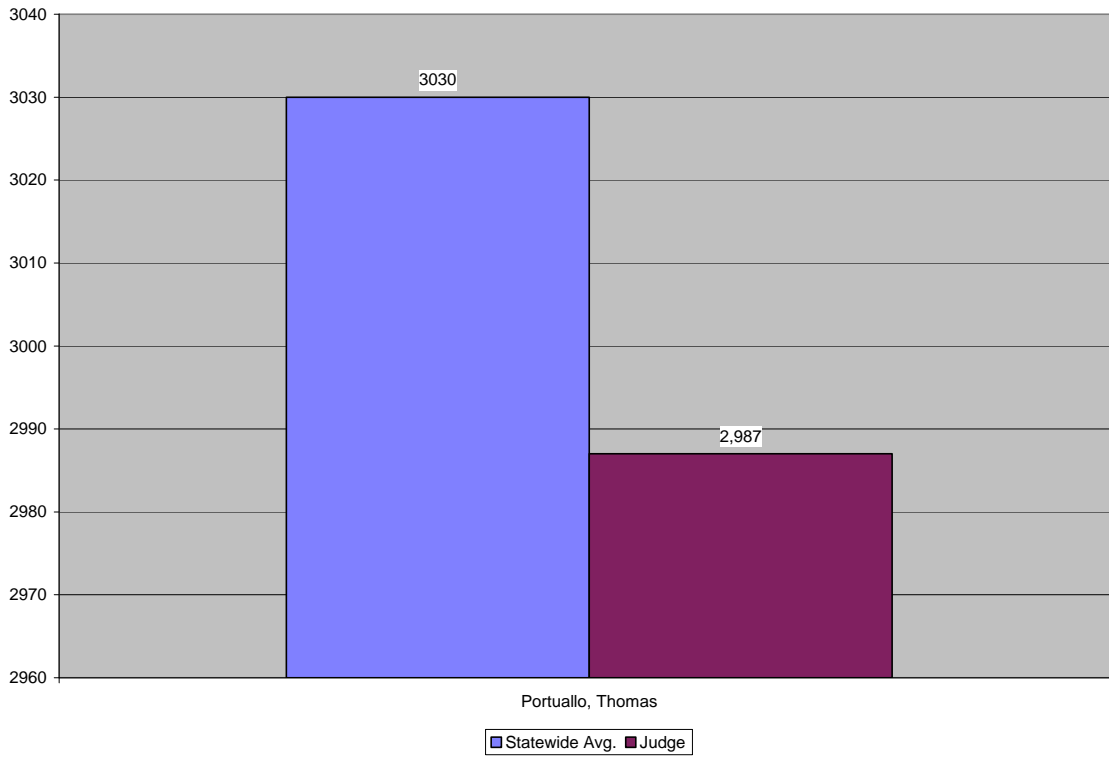
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



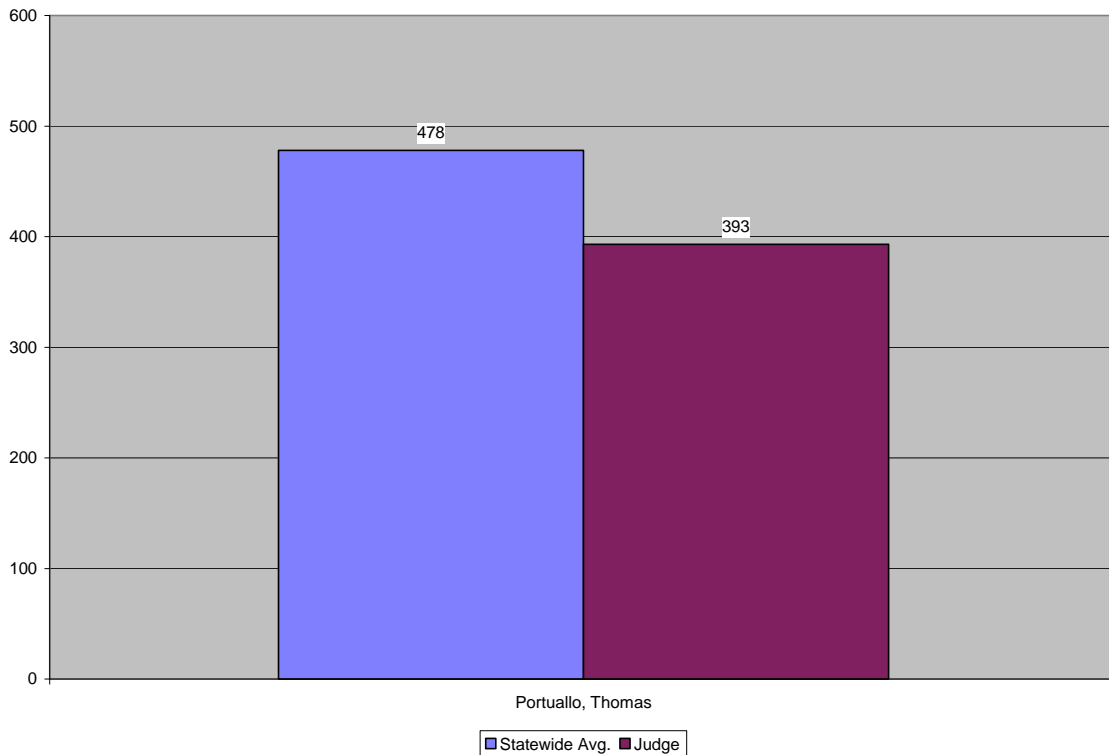
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

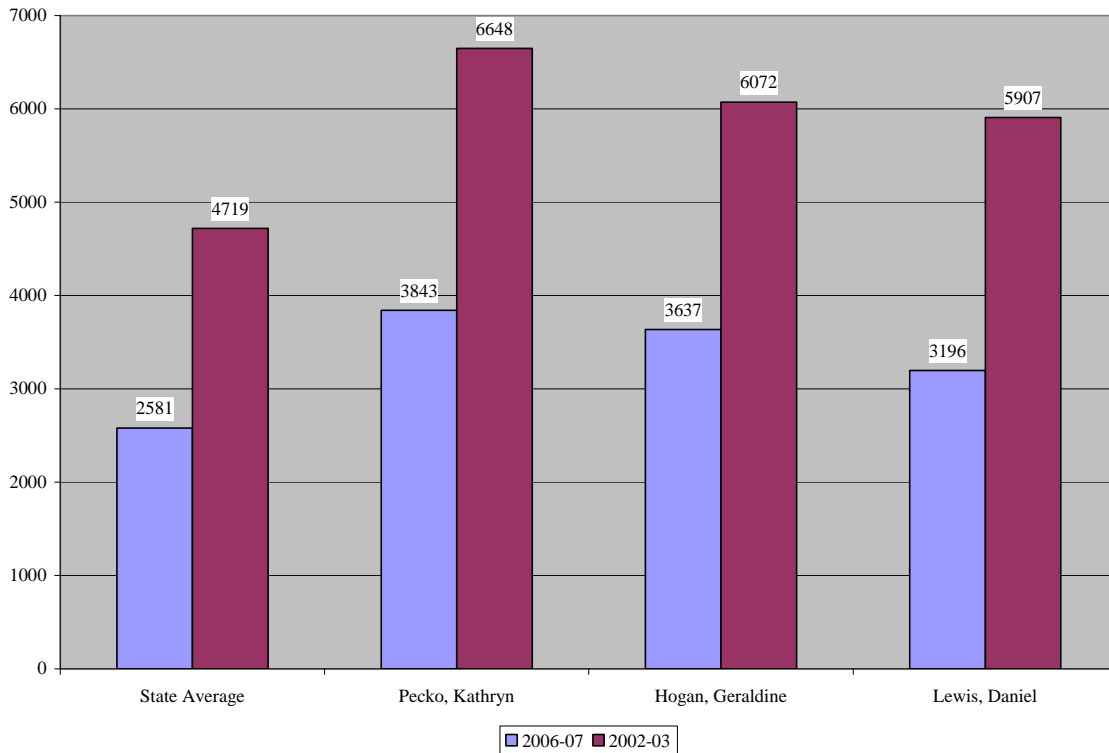


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

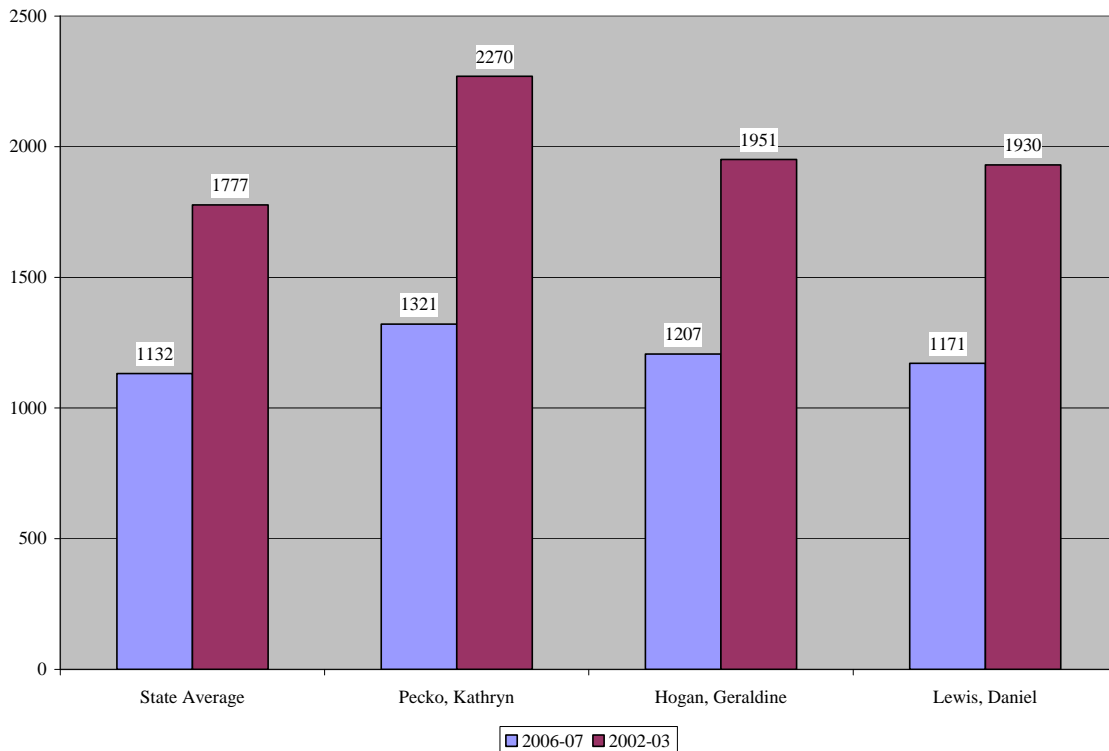


Appendix “4” District FTL (JCC Hogan, JCC Lewis, JCC Pecko):

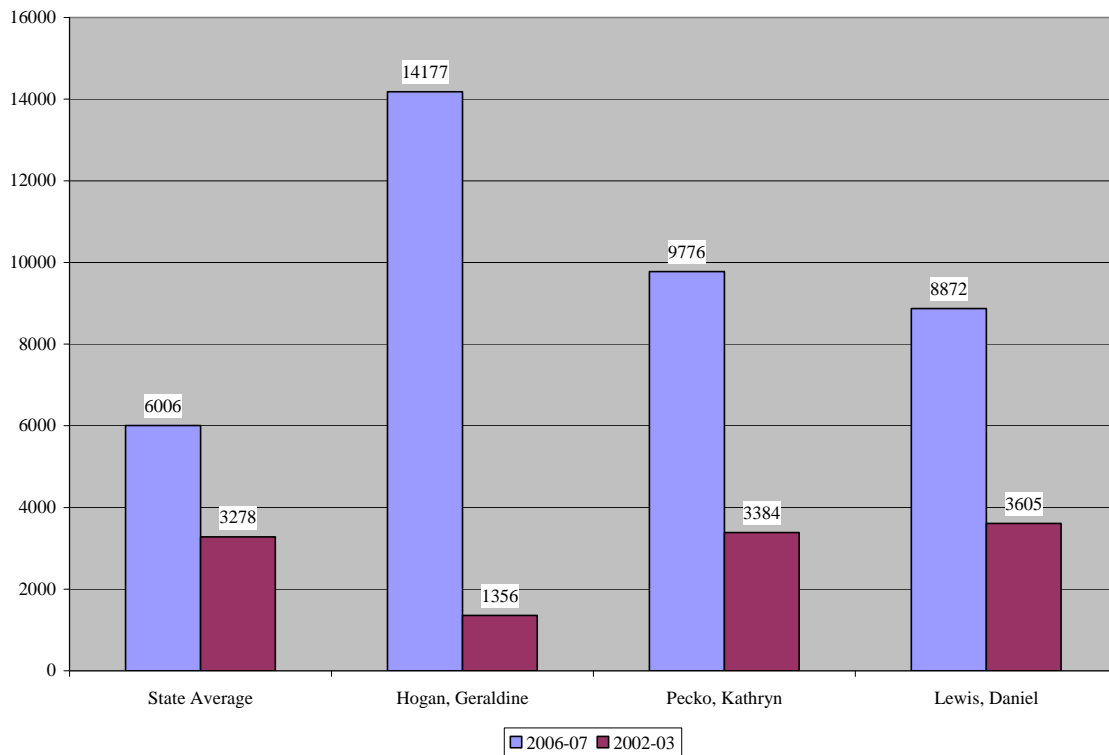
The following graph depicts the volume of PFB filed in this District during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



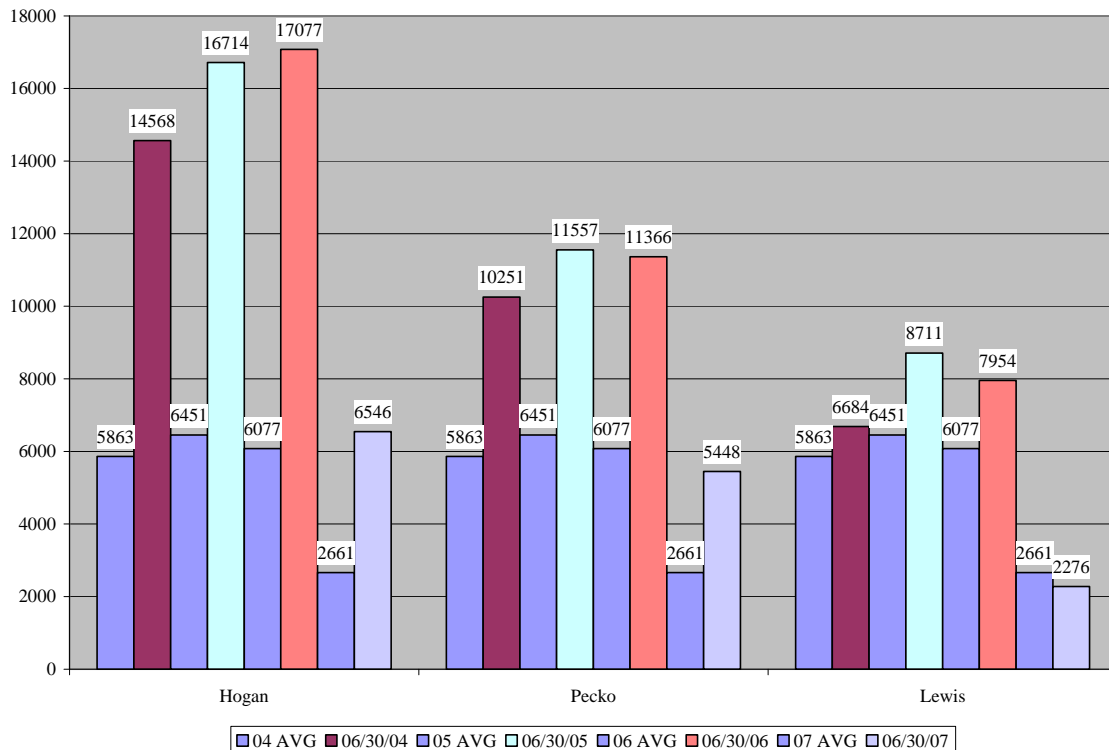
The following graph depicts the volume of new cases filed in this District during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the District. The statewide average for each year is also represented.



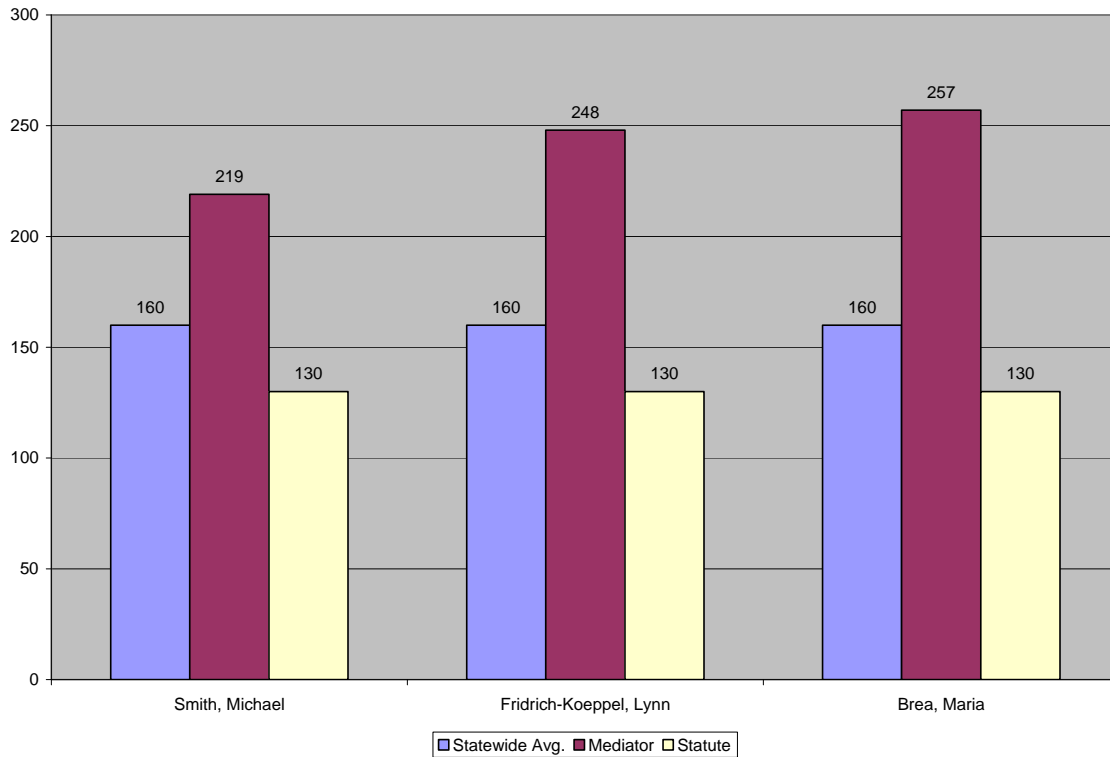
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



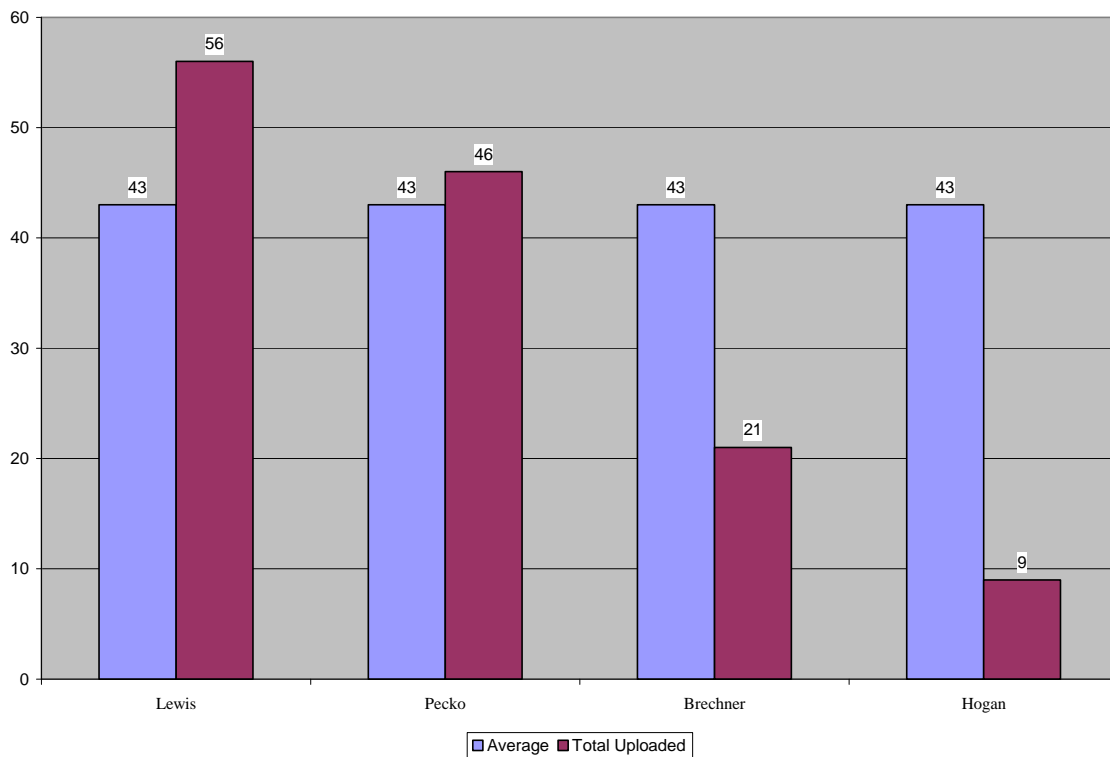
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



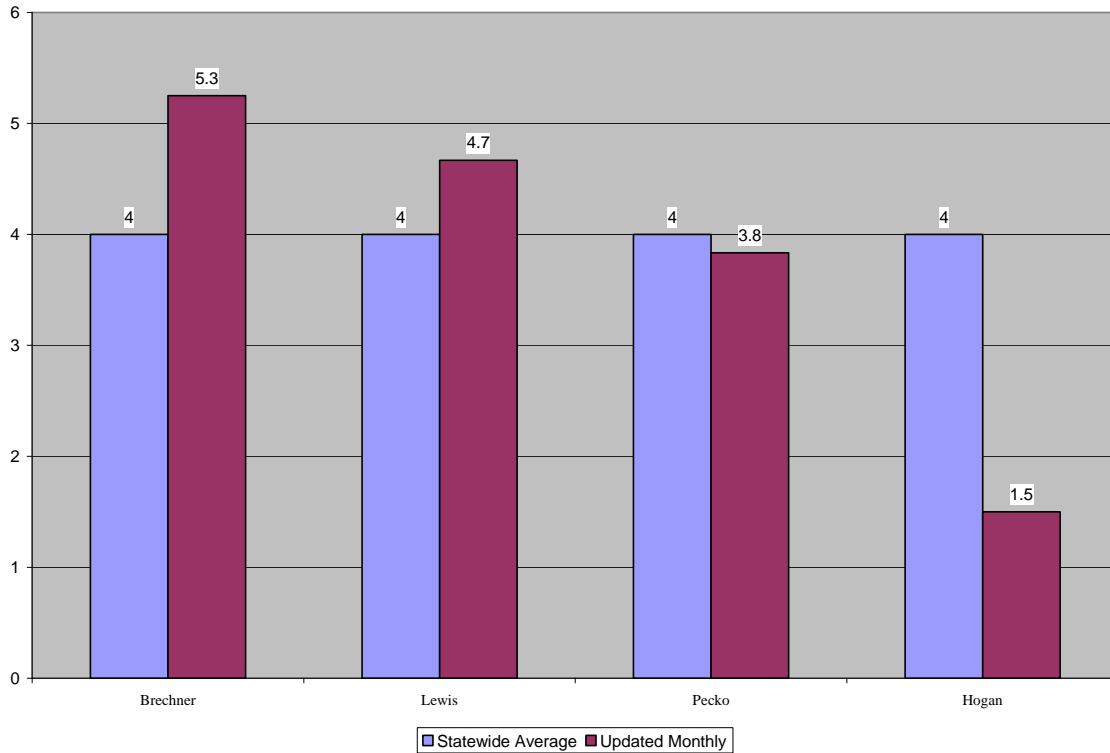
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



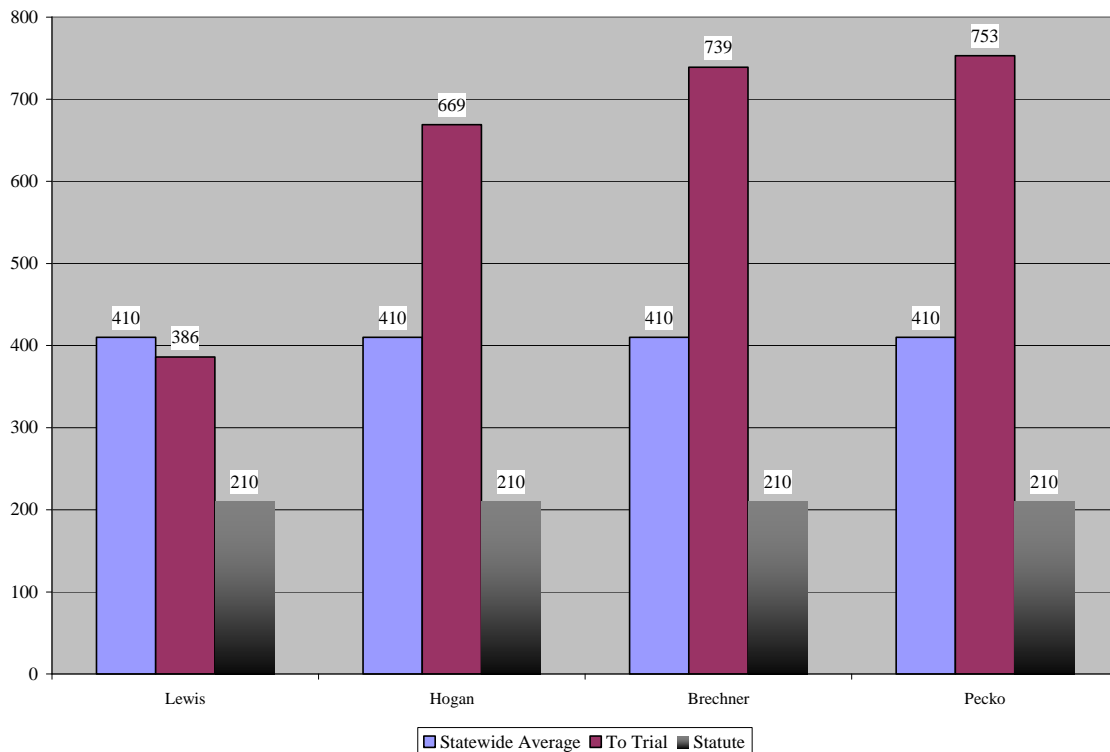
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



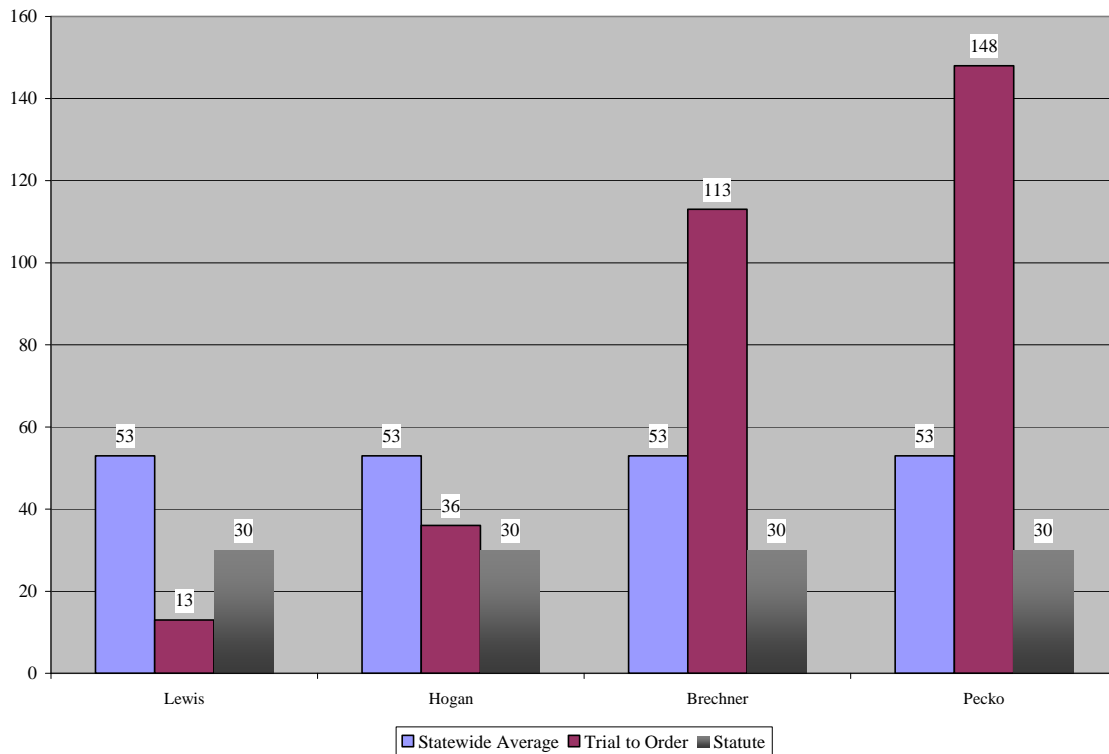
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



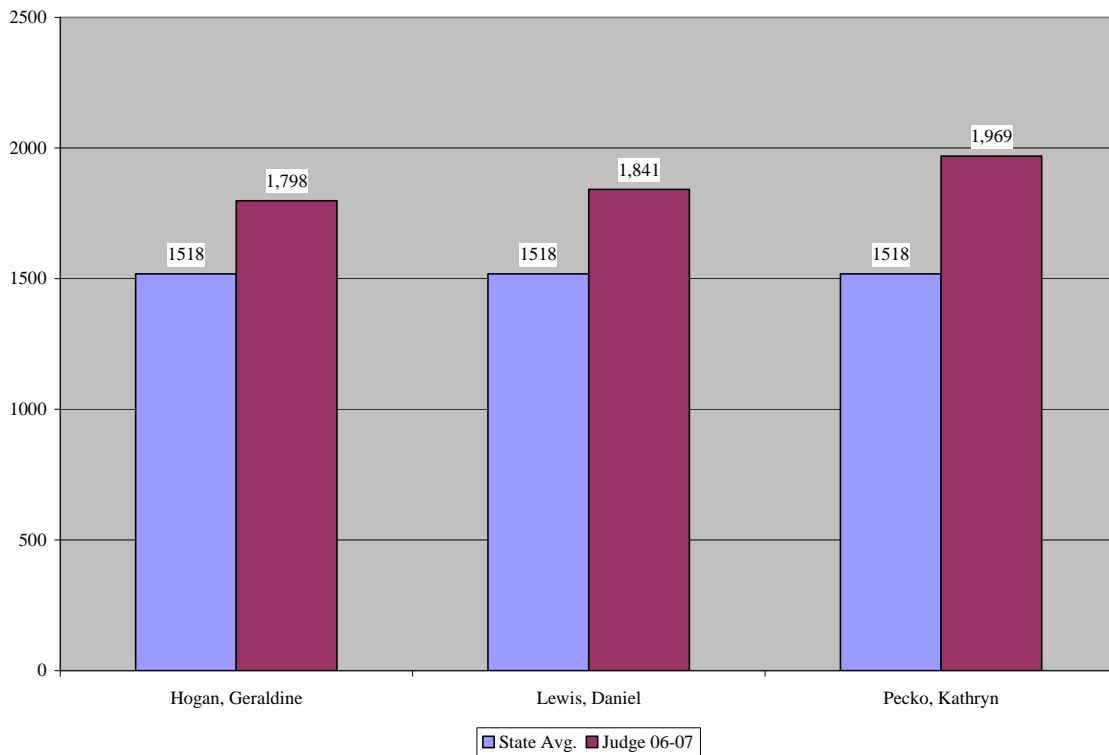
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



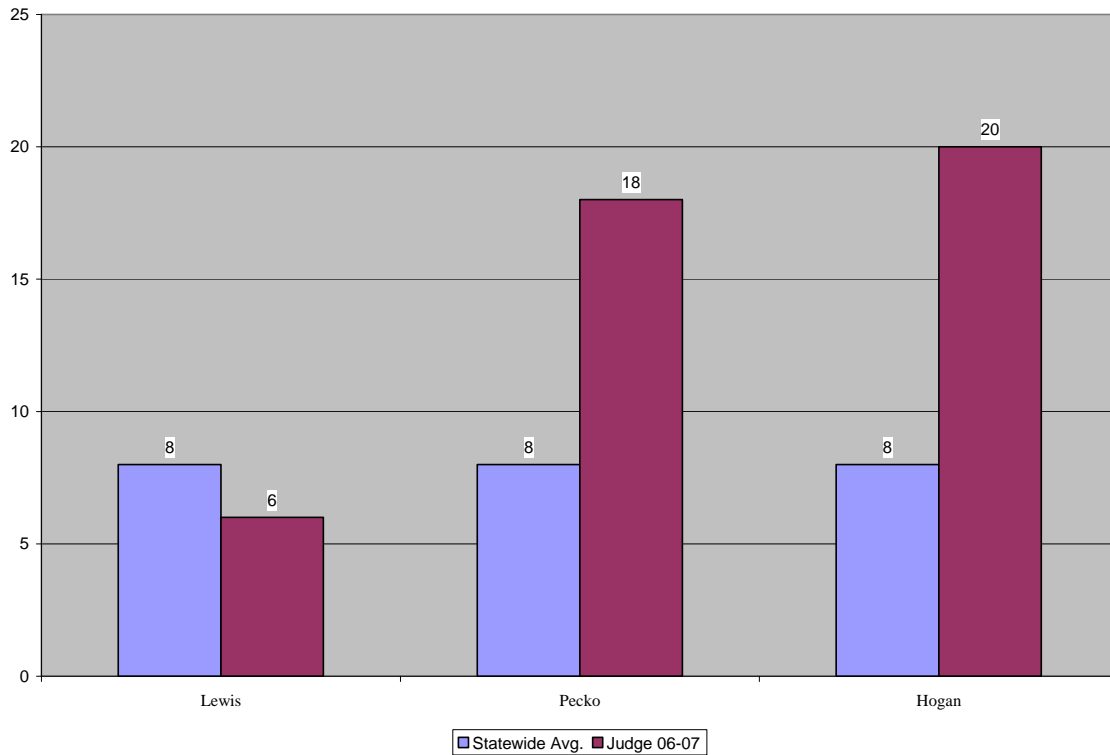
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



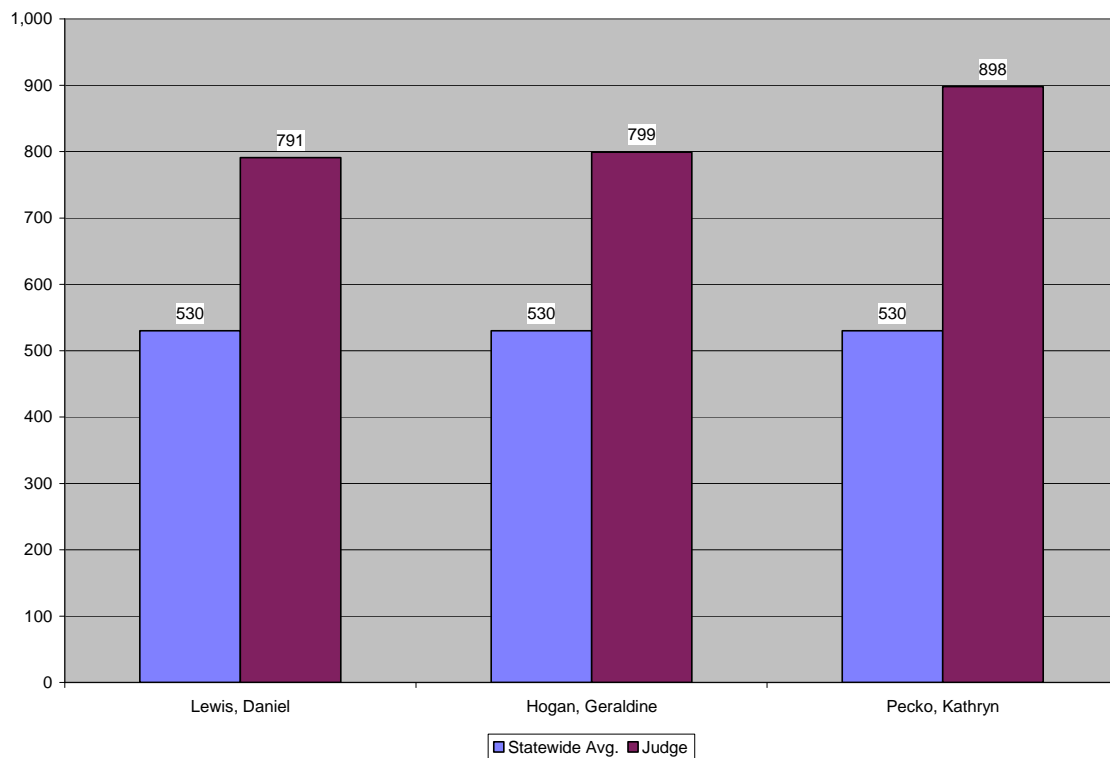
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



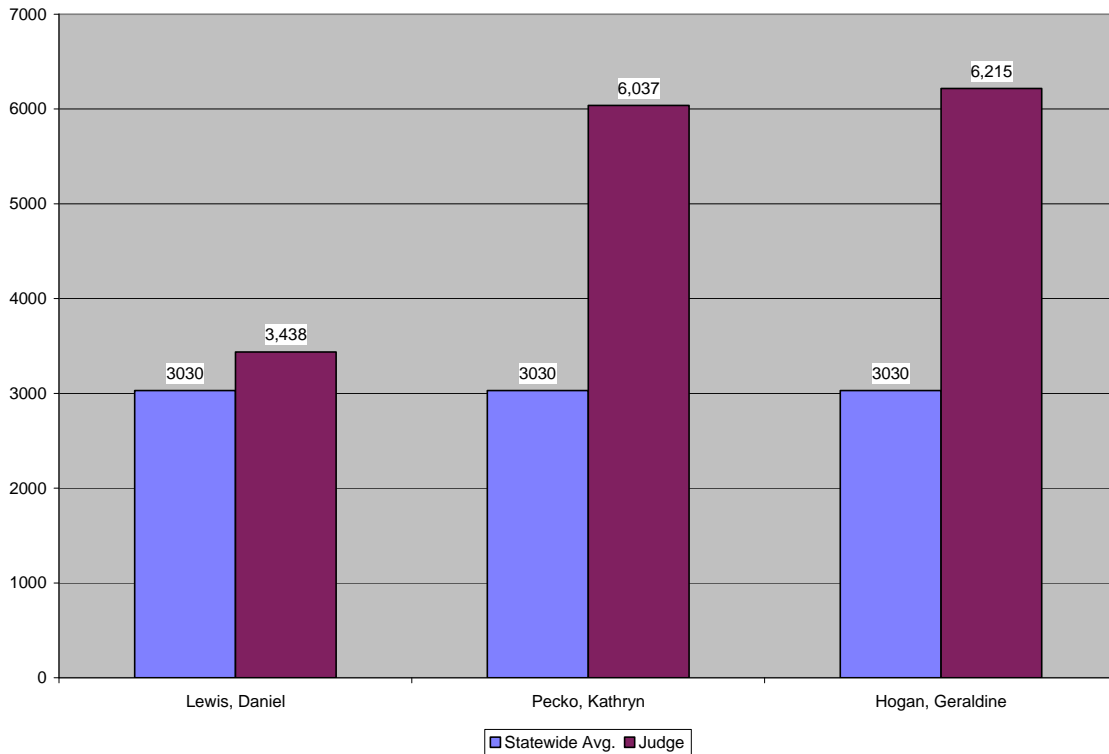
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



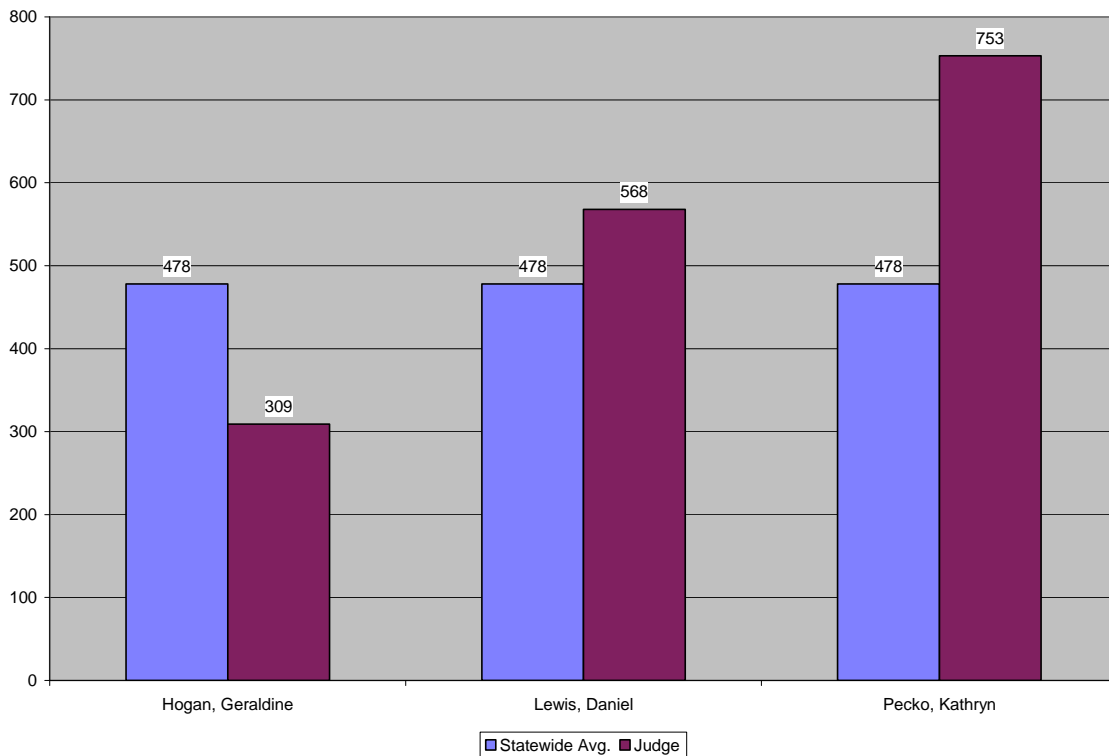
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

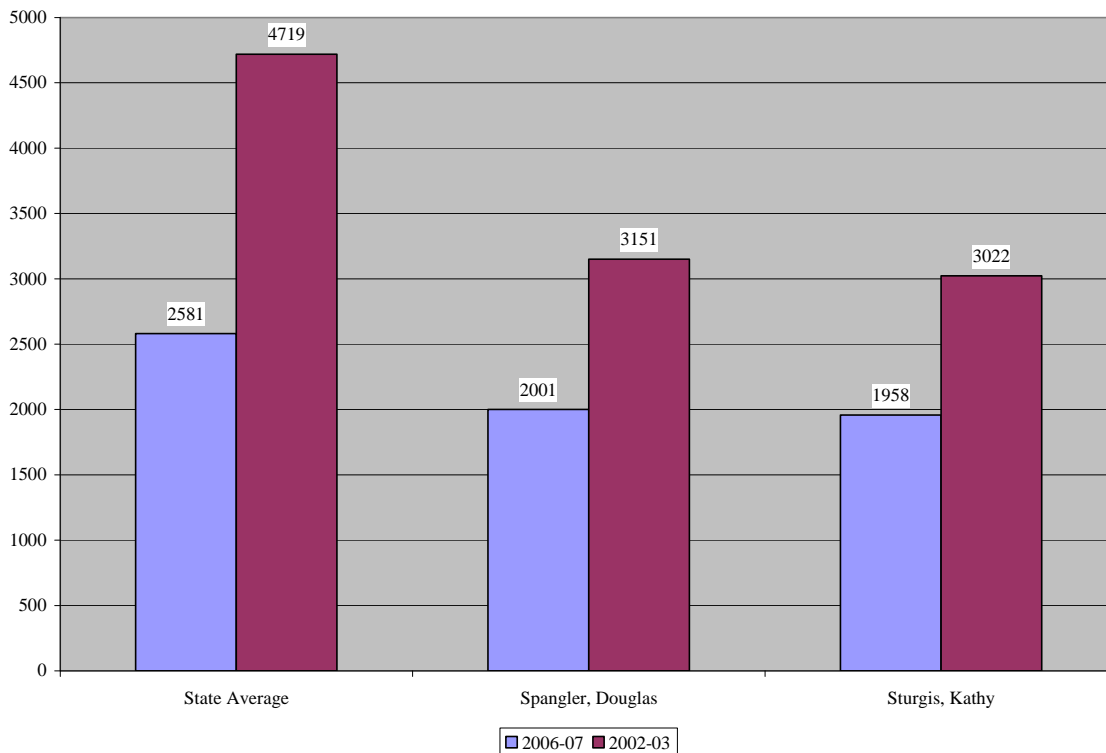


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

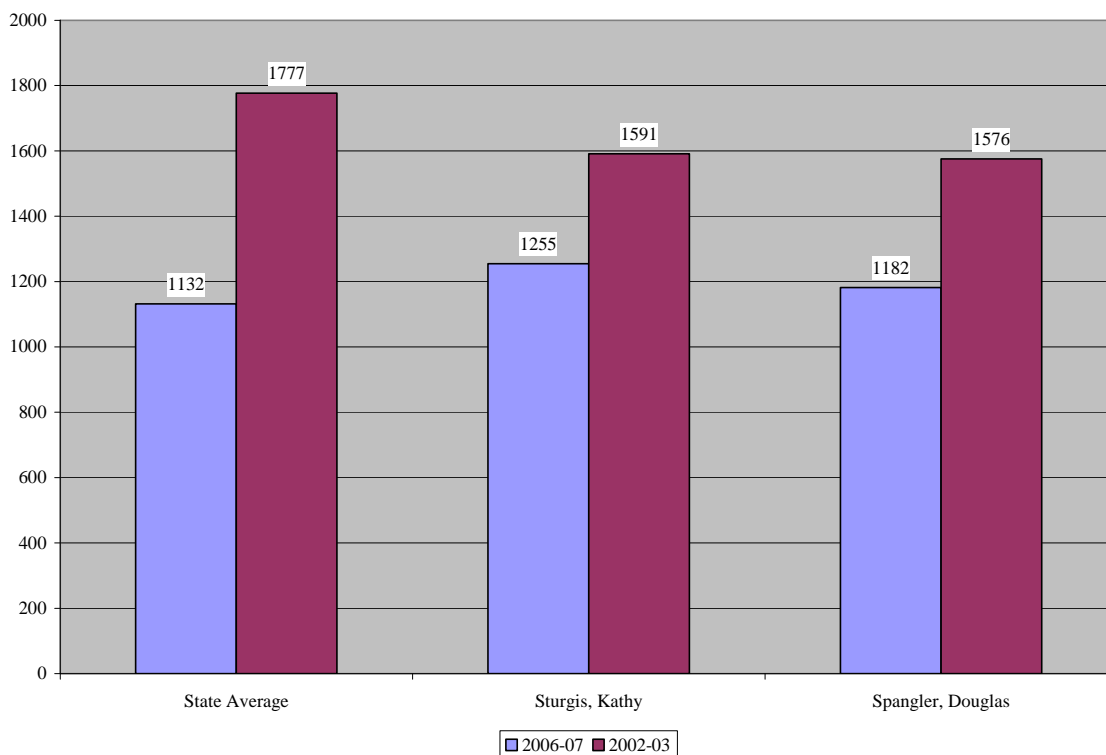


Appendix “5” District FTM (JCC Spangler, JCC Sturgis, JCC Turnbull(ret)):

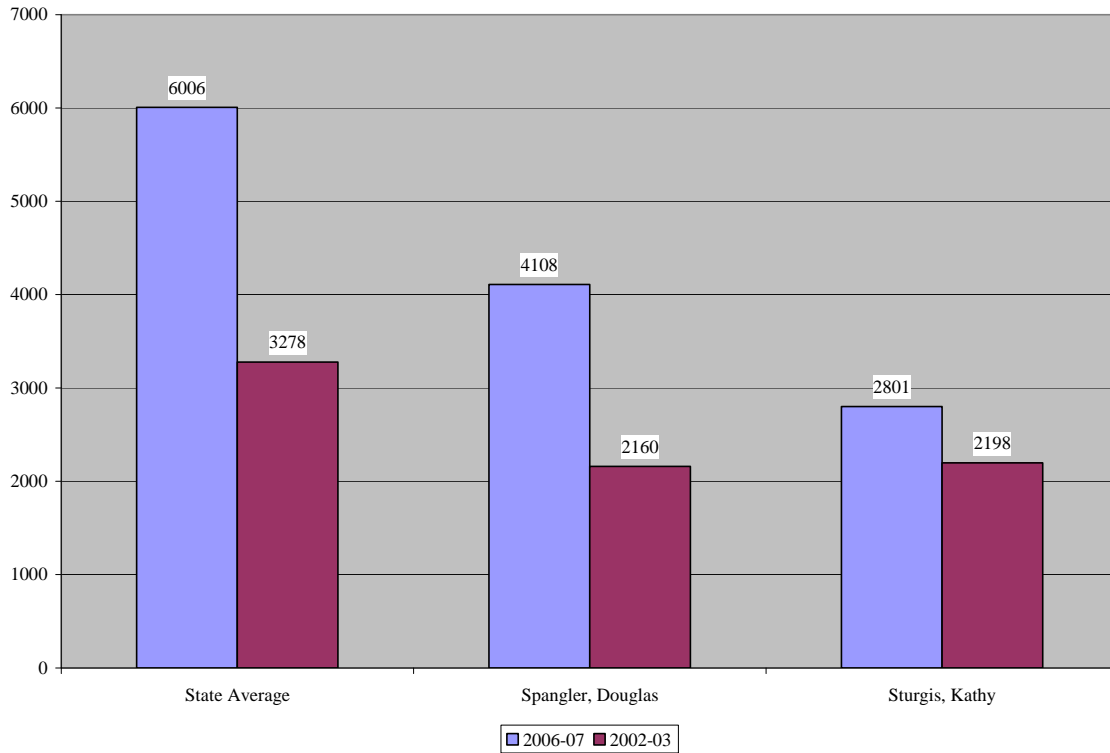
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



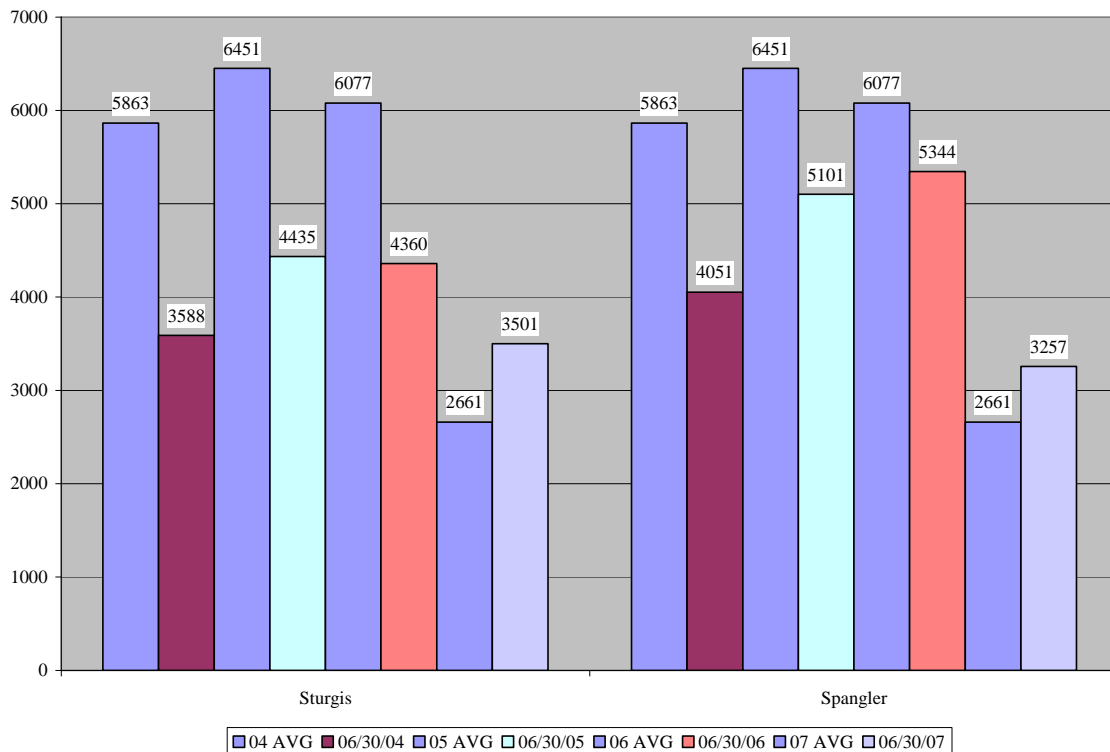
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



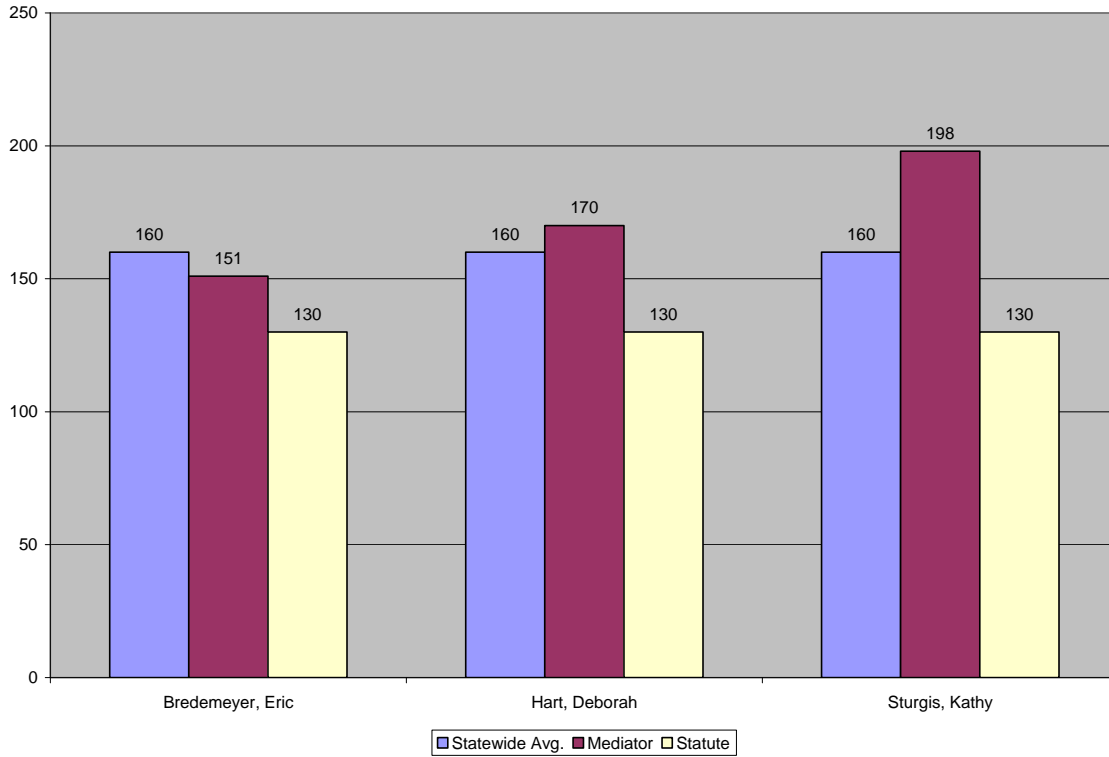
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



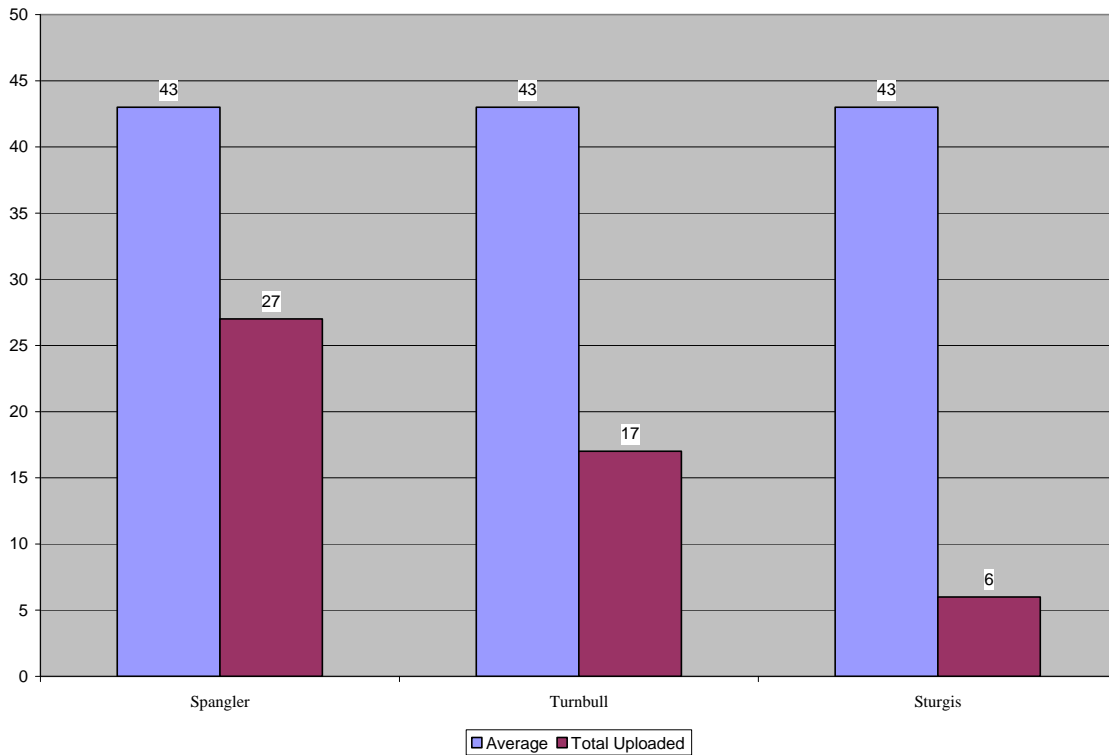
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



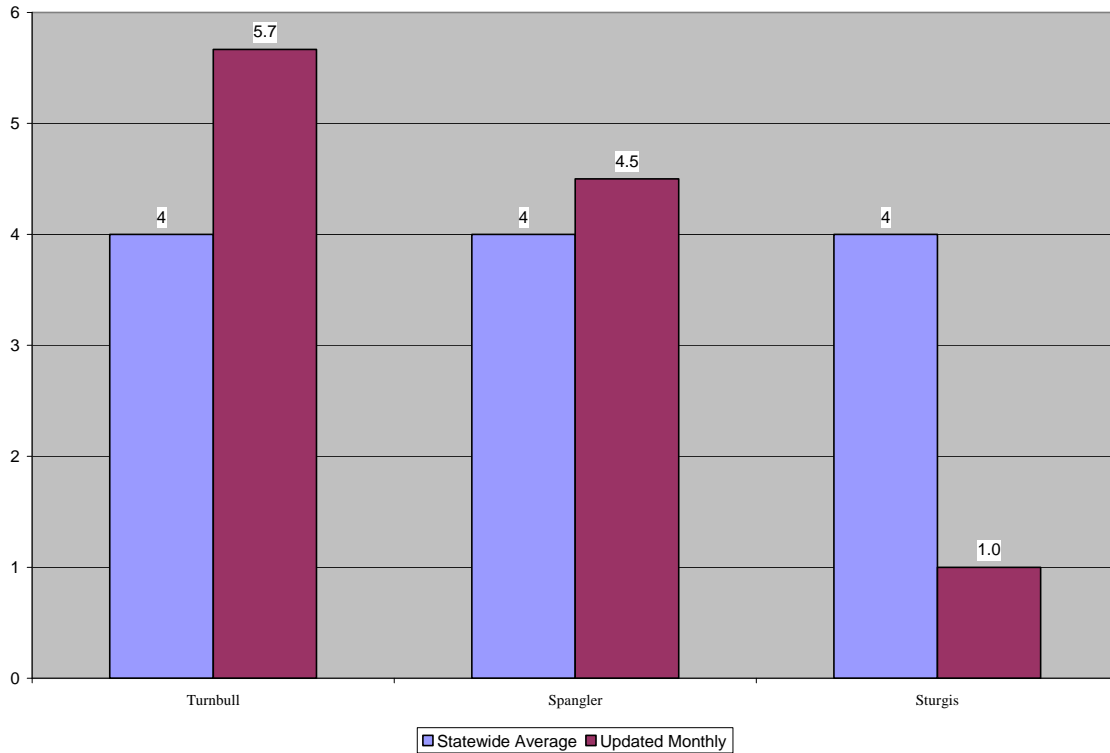
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



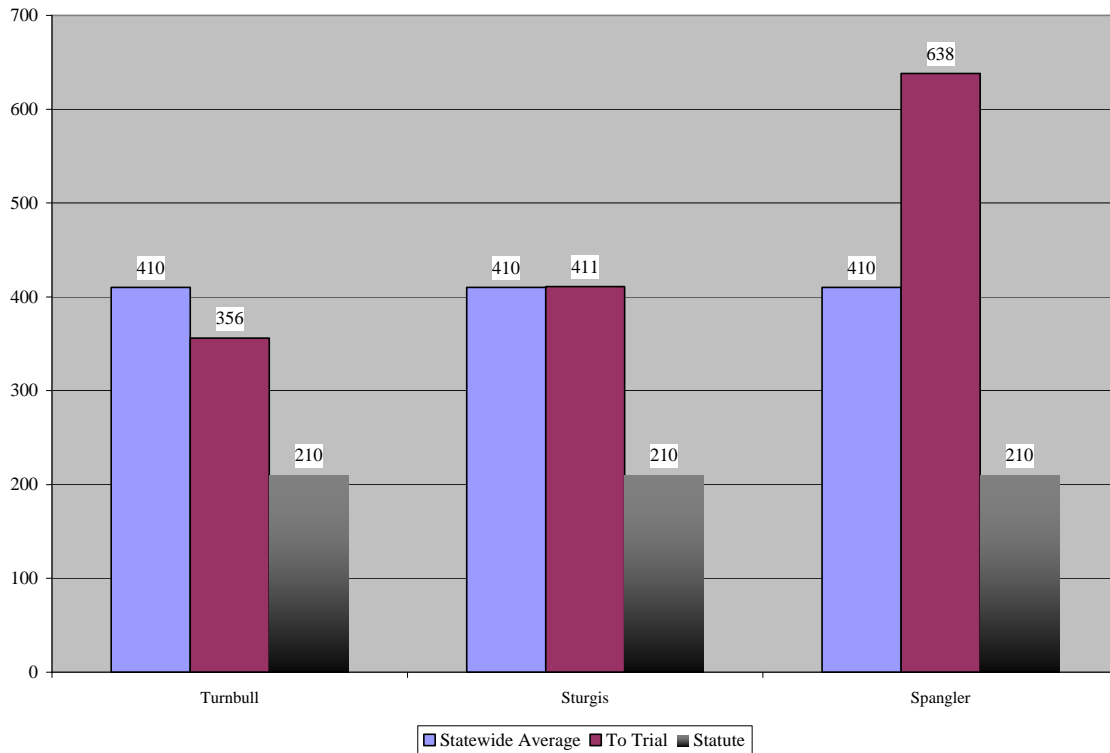
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



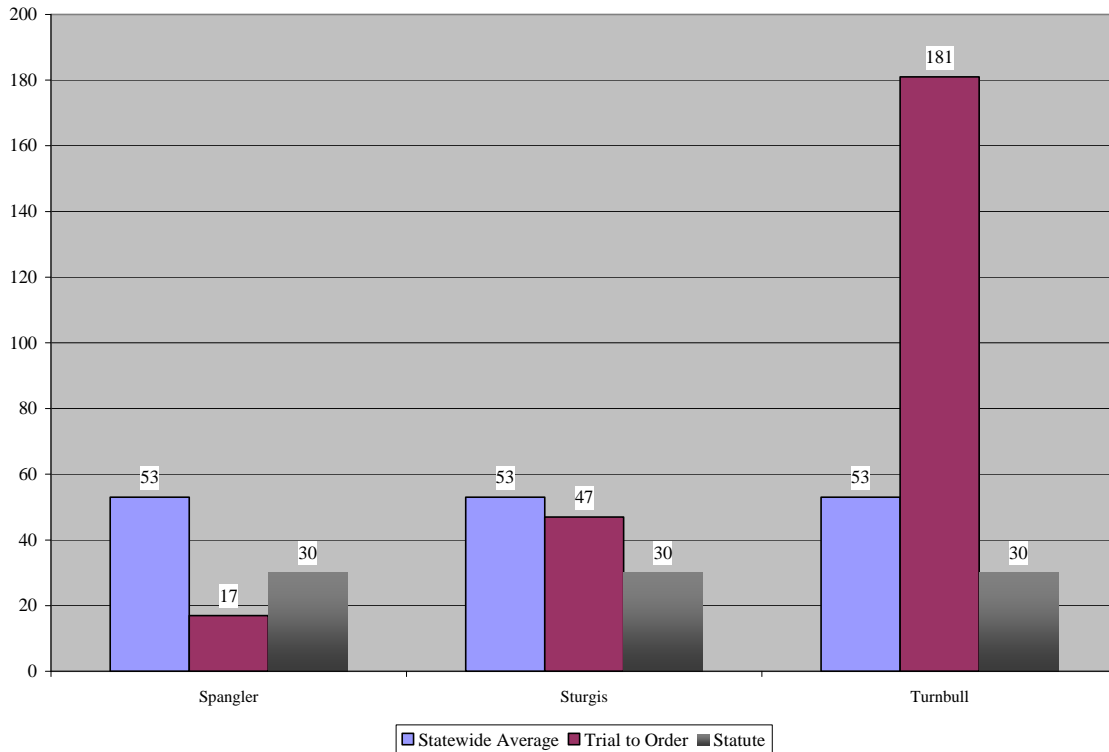
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



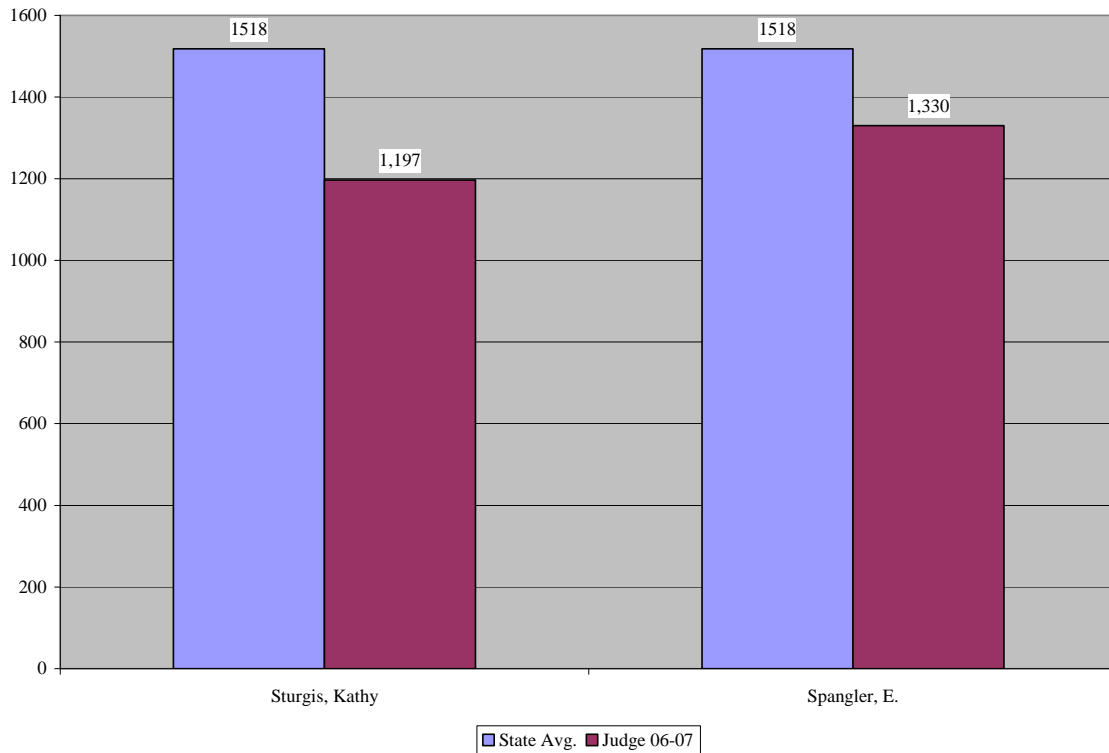
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



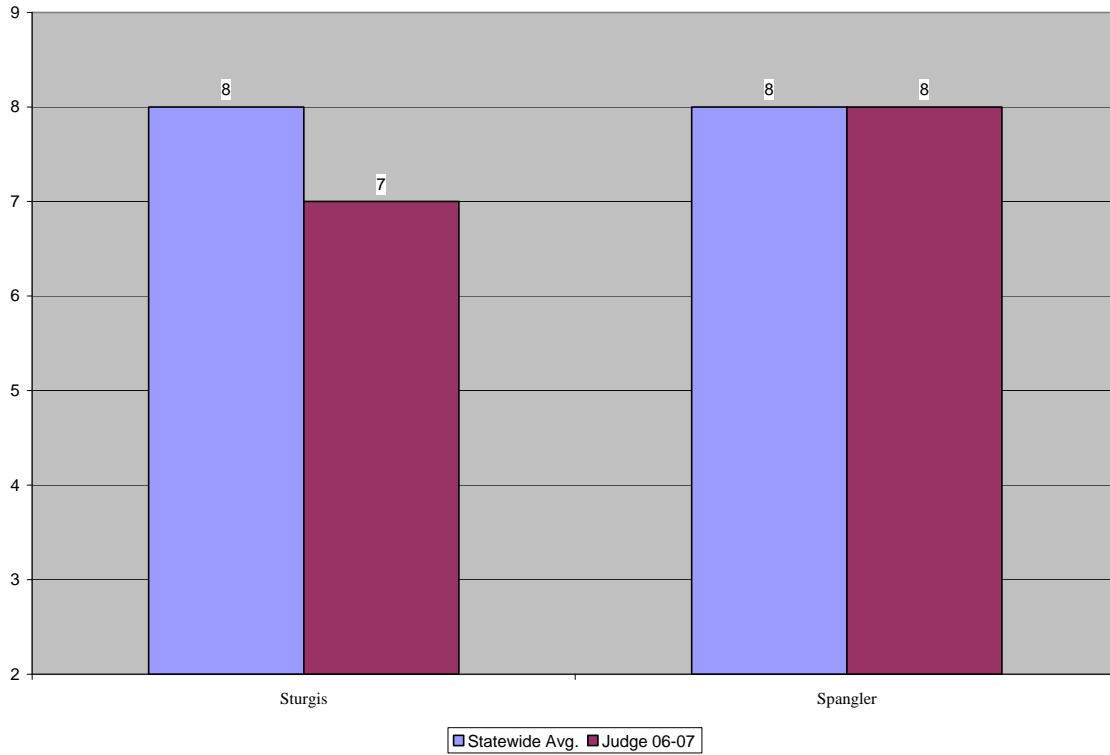
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



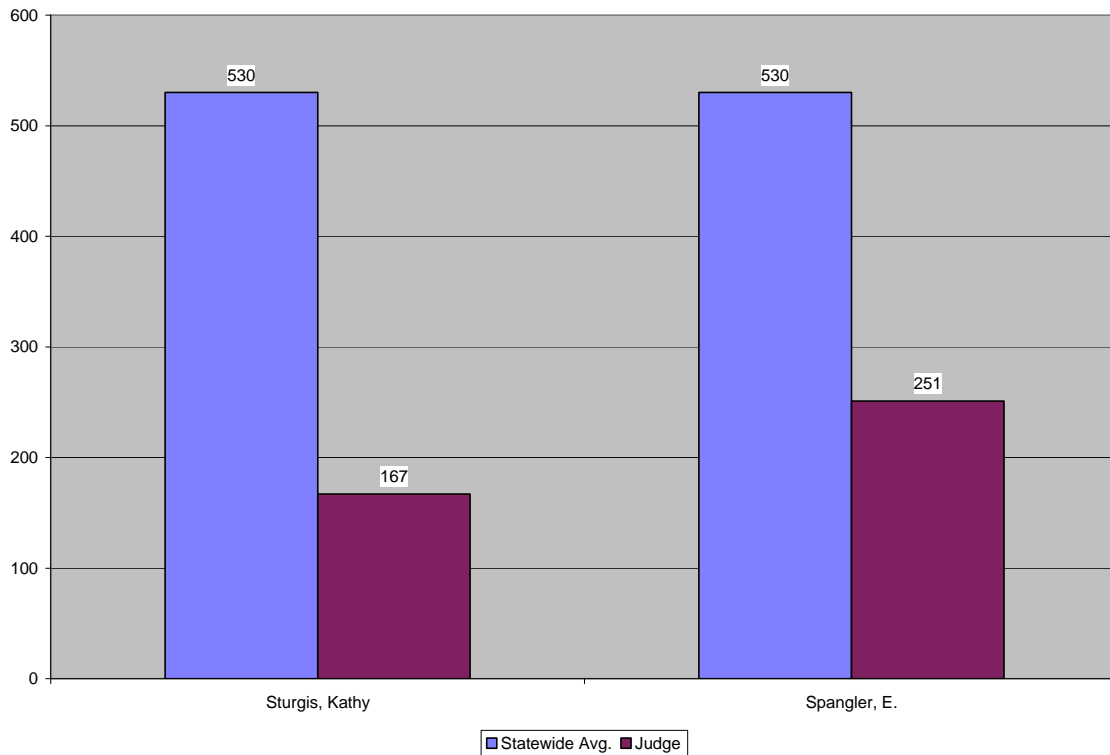
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



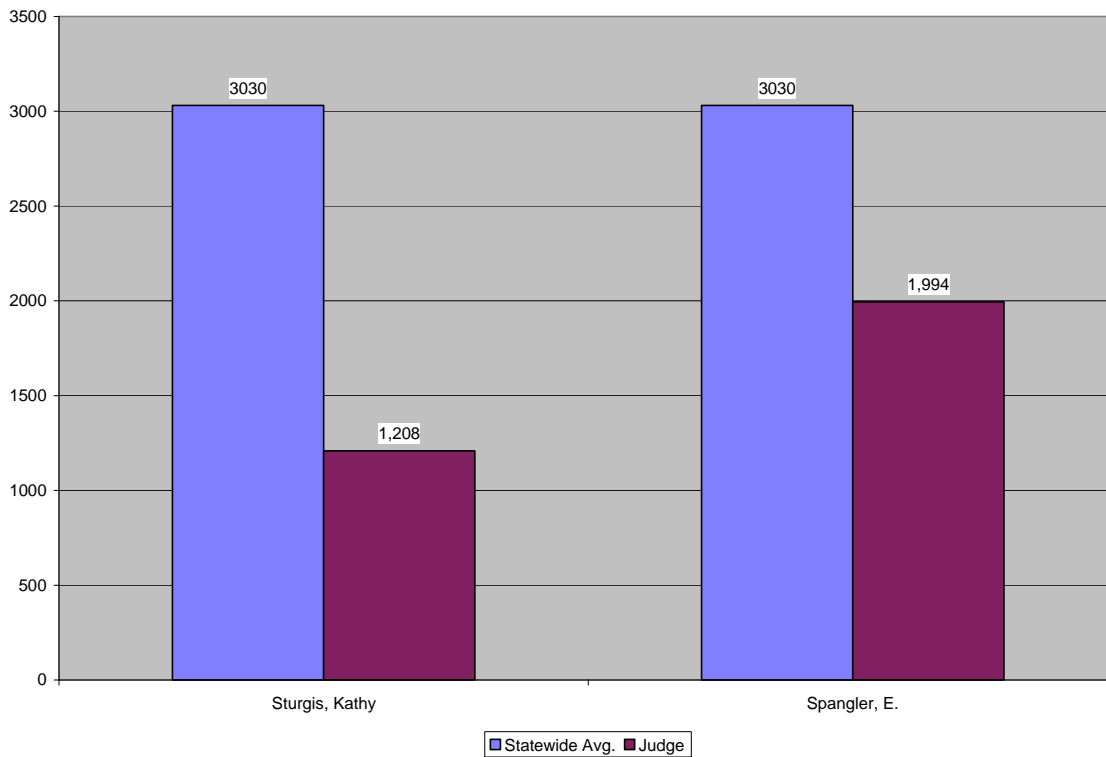
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



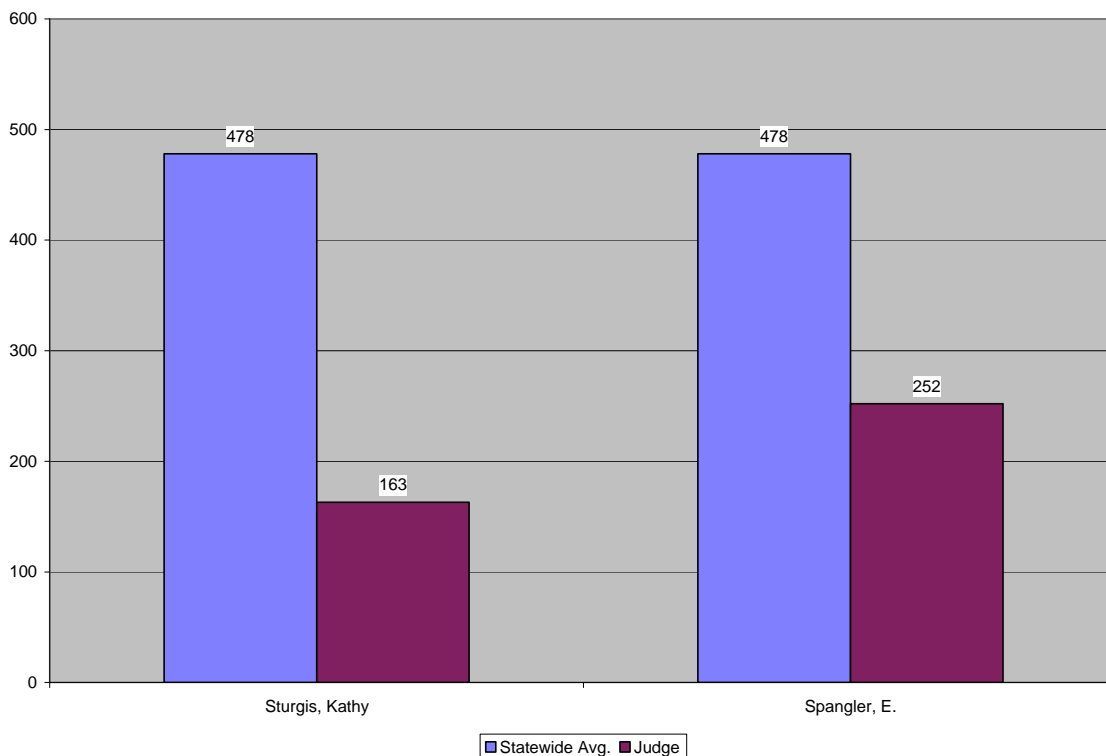
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

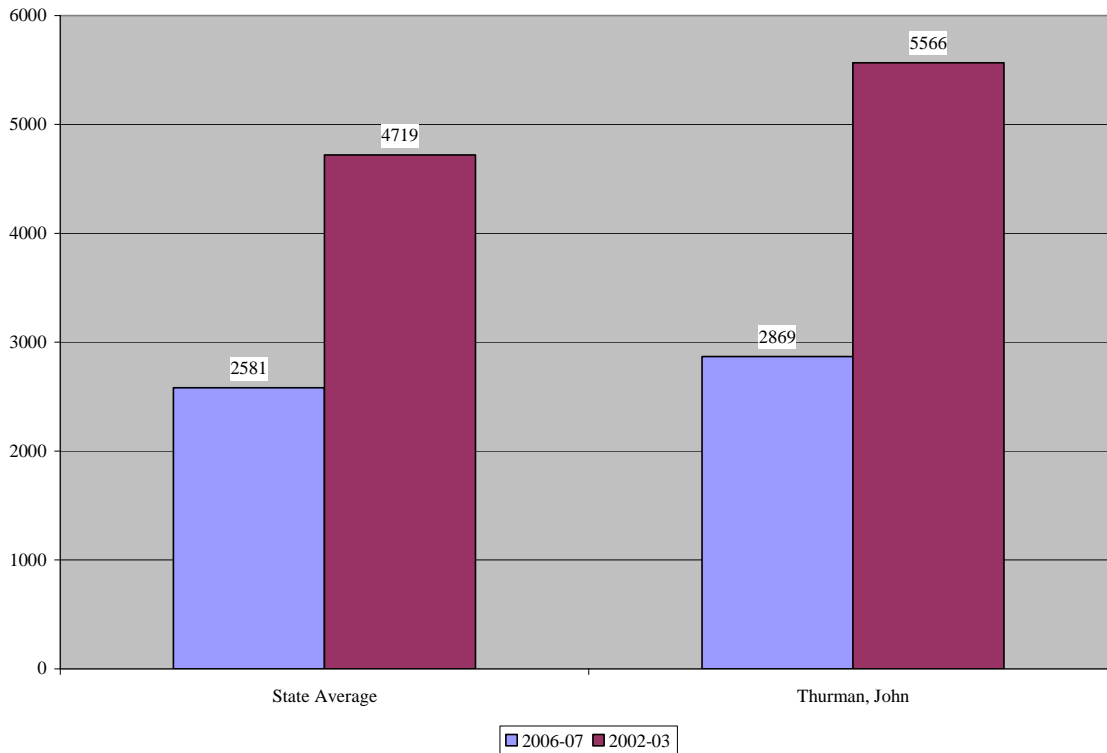


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

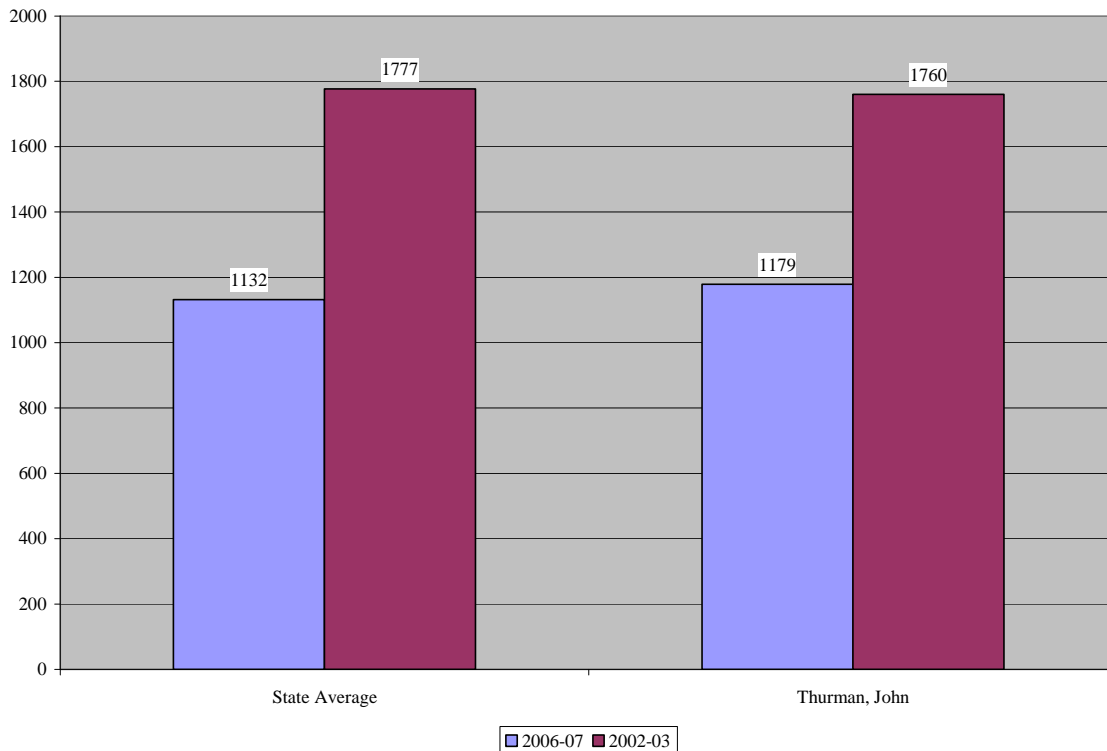


Appendix “6” District GNS (JCC Thurman and JCC Ohlman(ret.)):

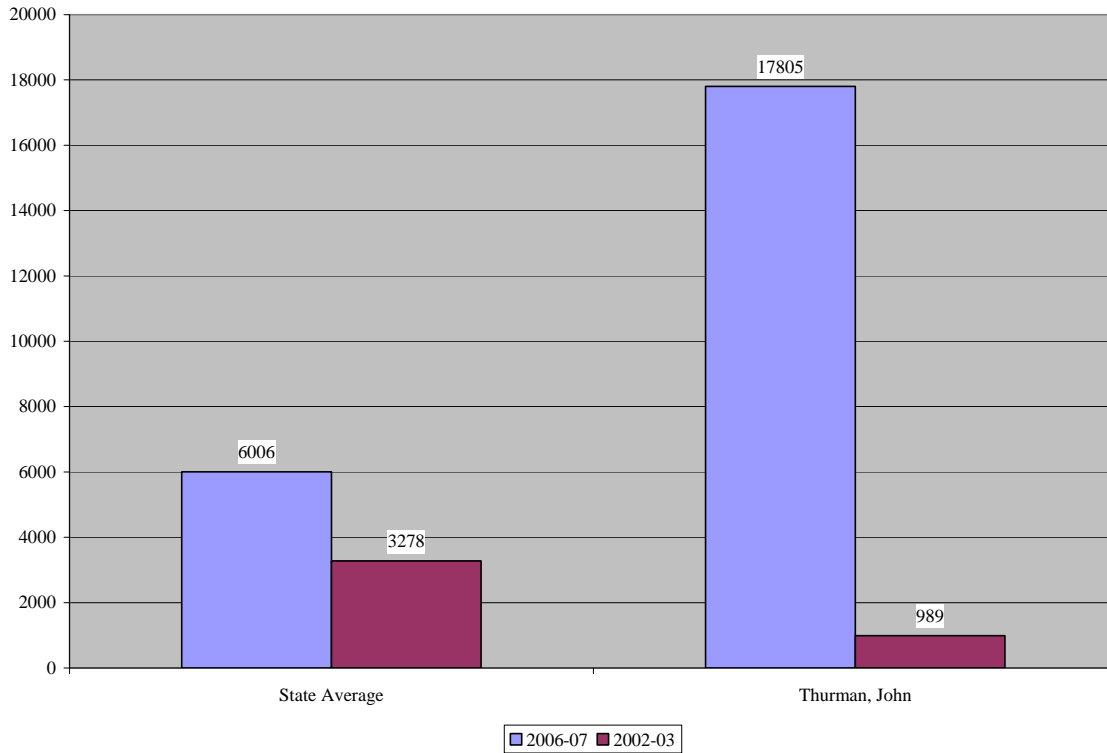
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



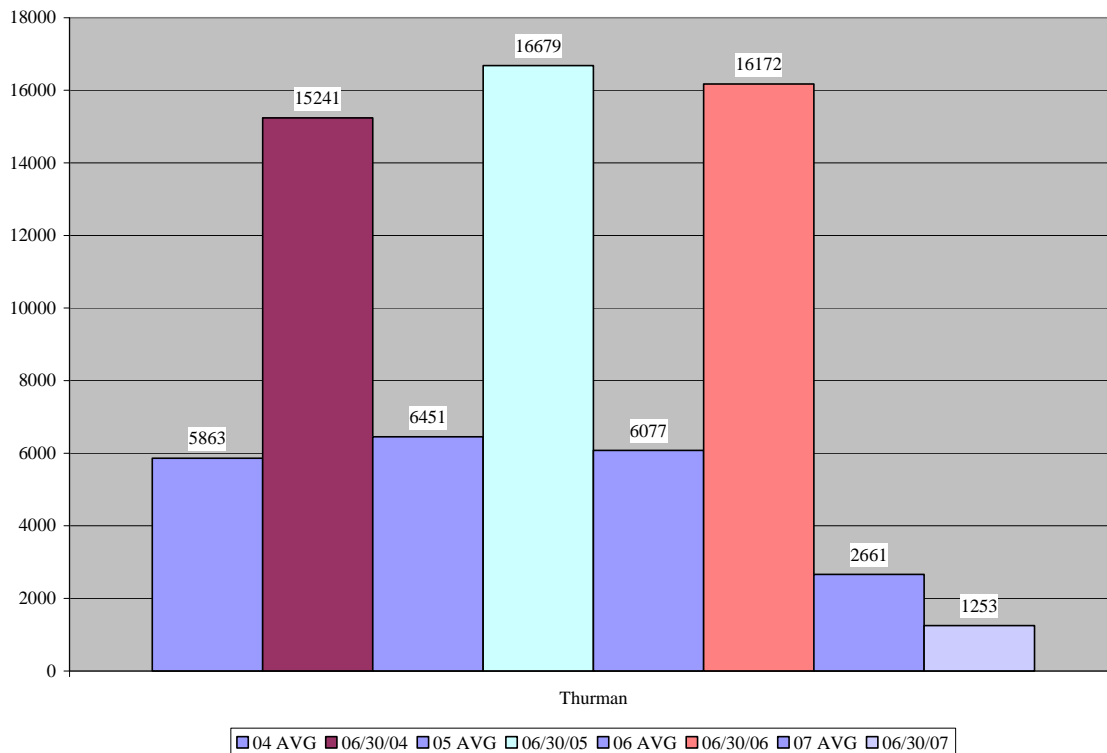
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



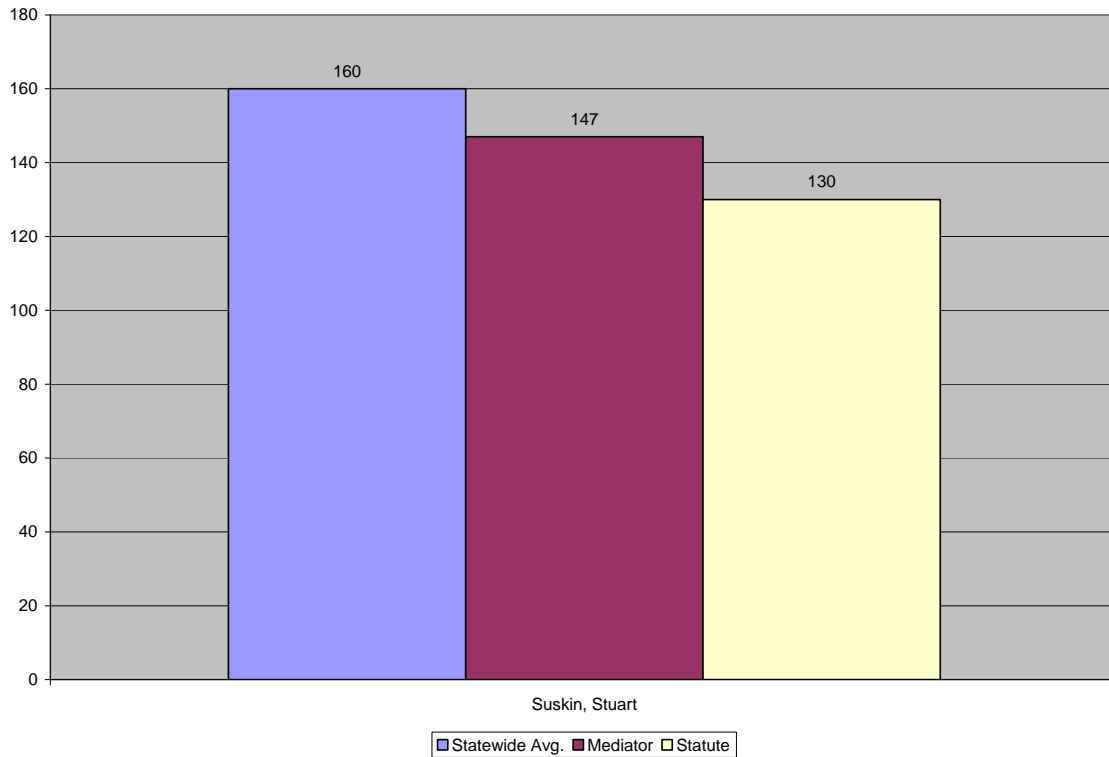
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



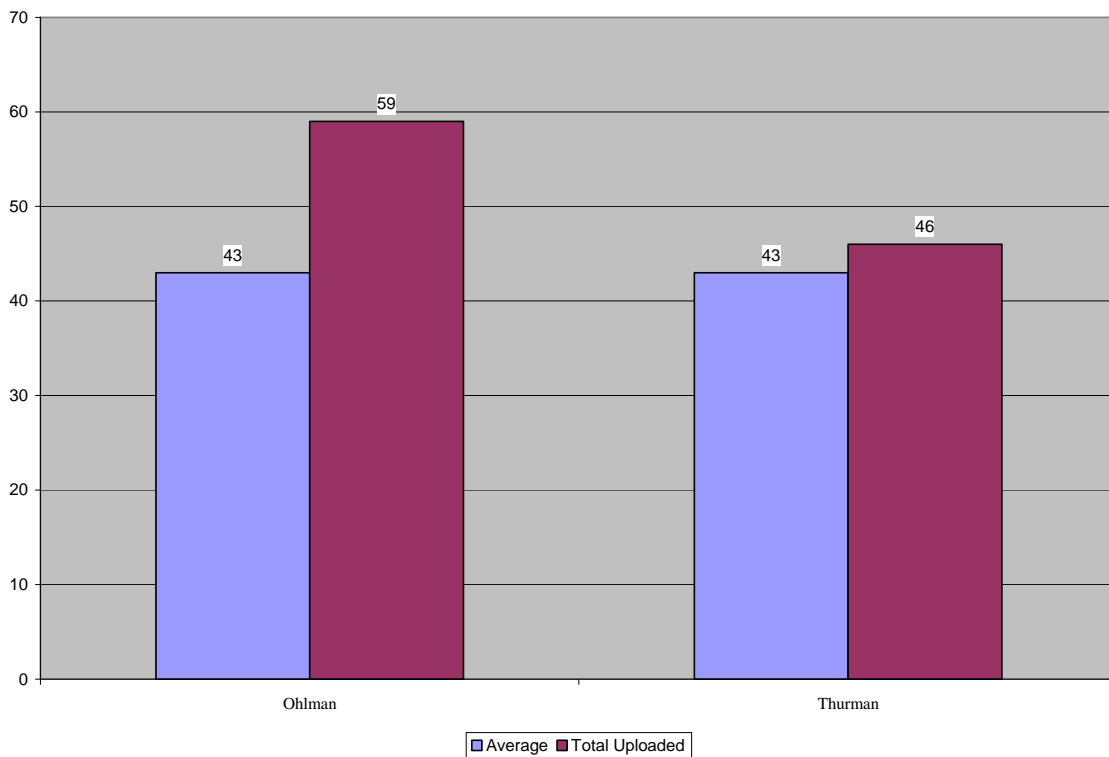
The following graph depicts the inventory of pending PFB in this District at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



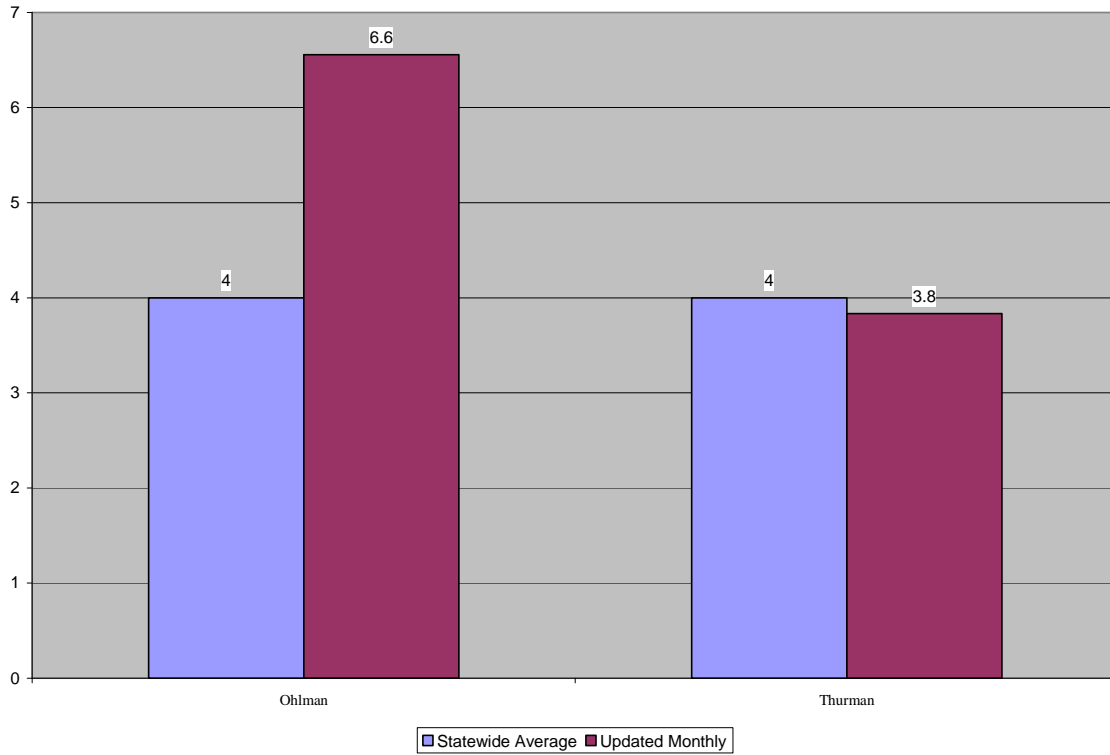
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



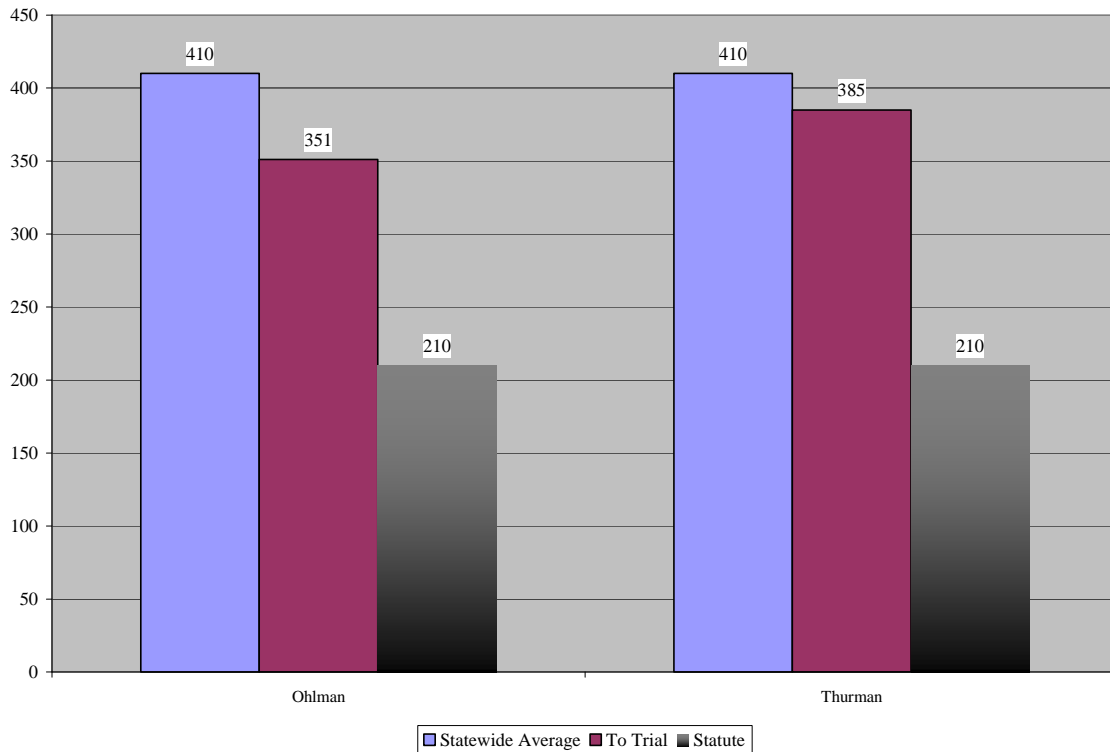
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



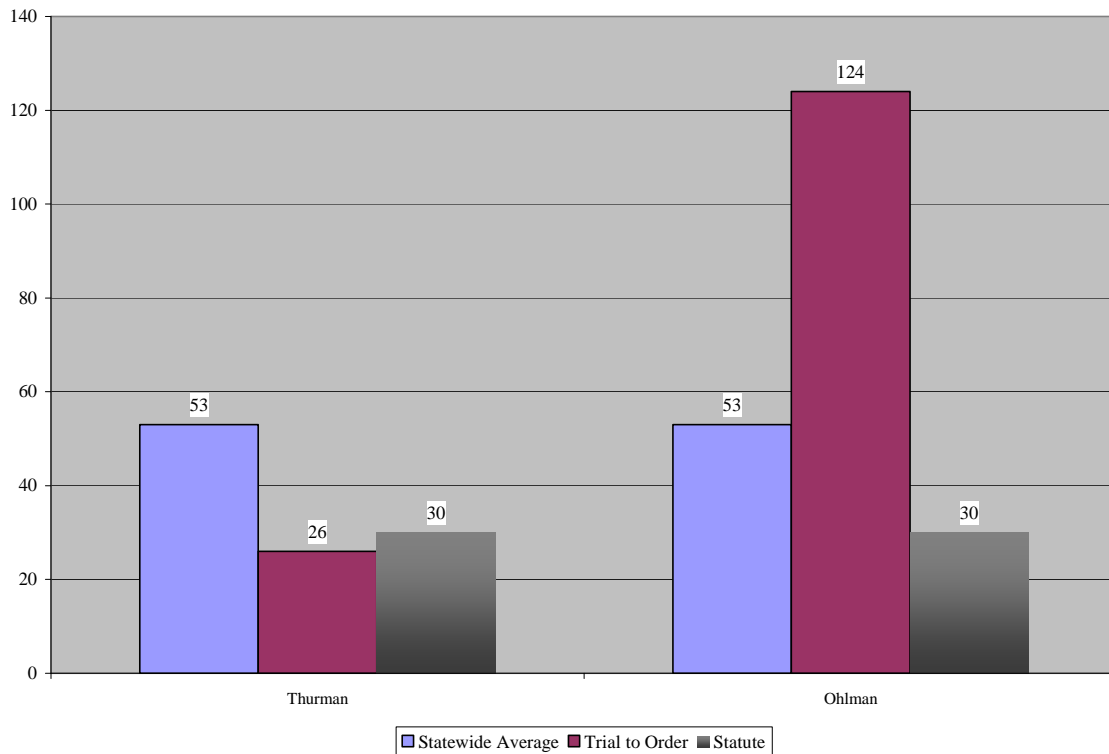
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



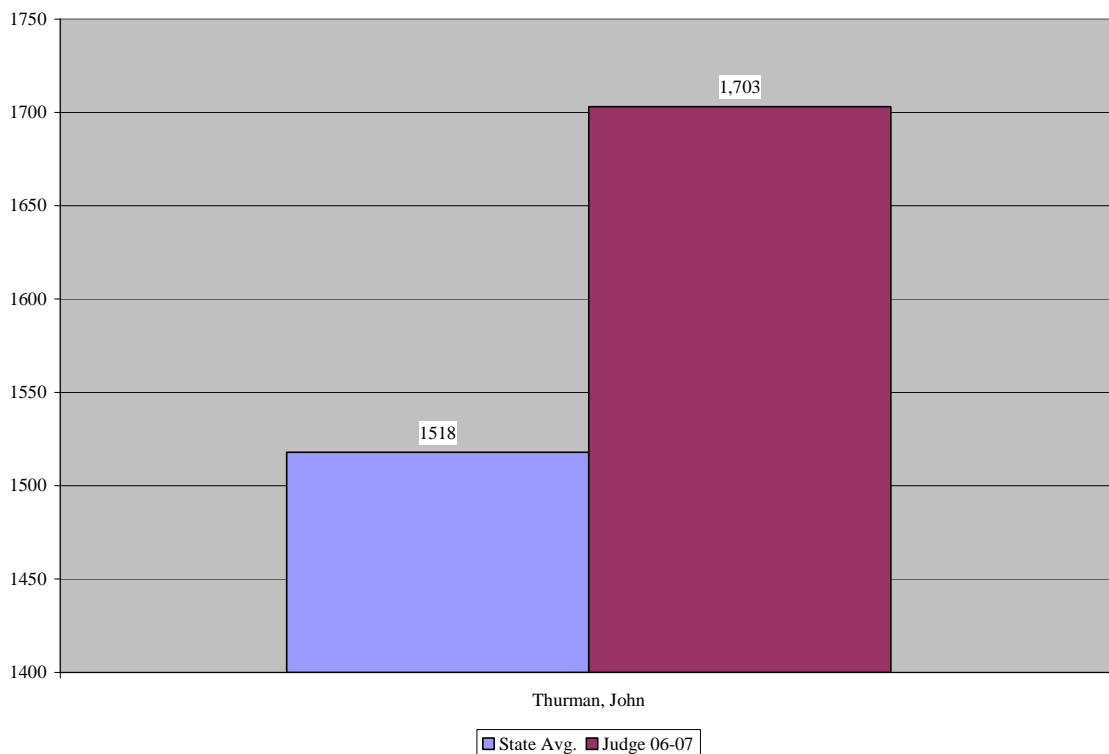
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



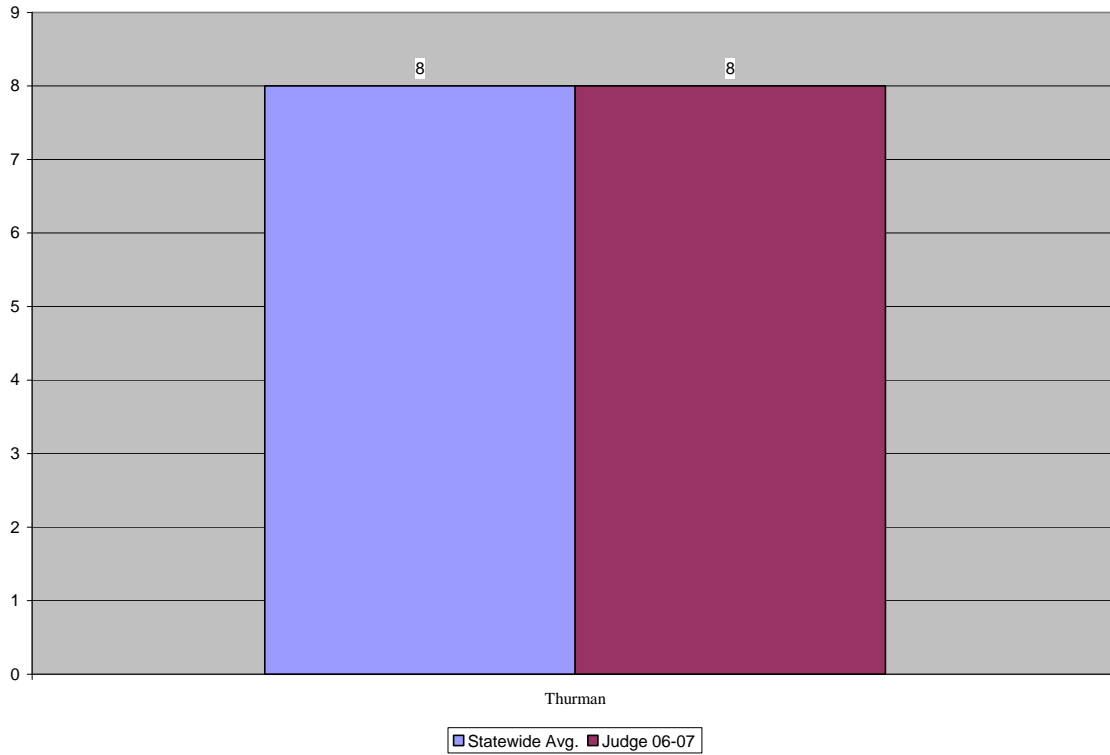
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



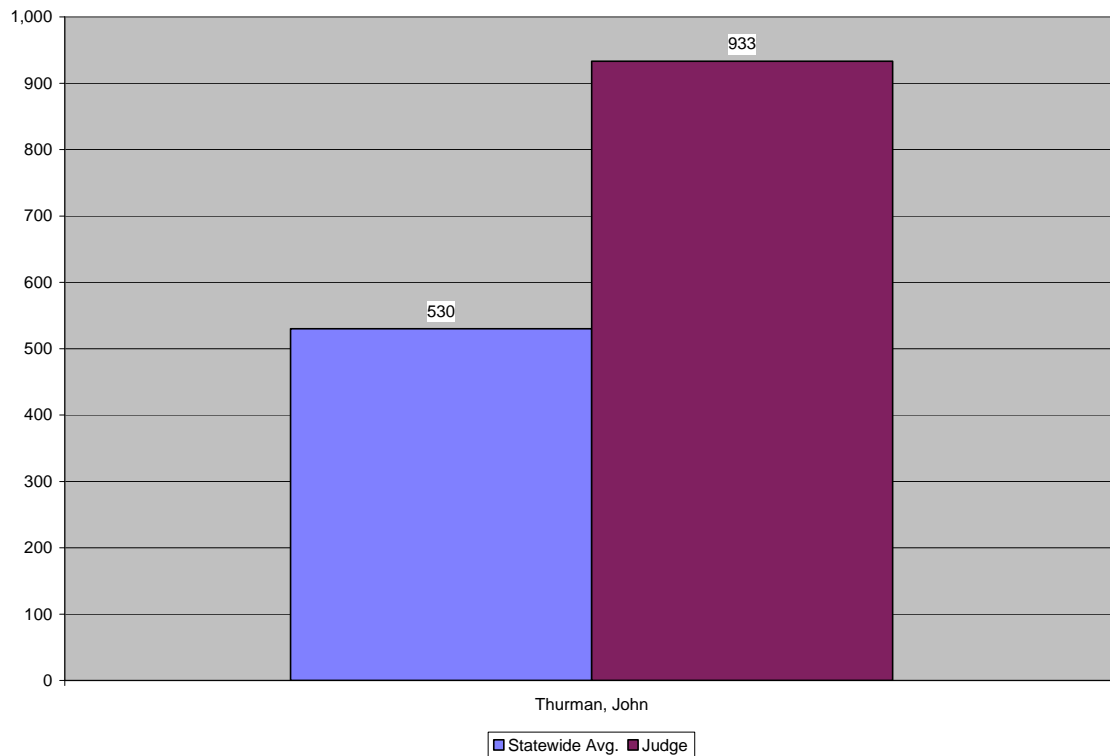
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



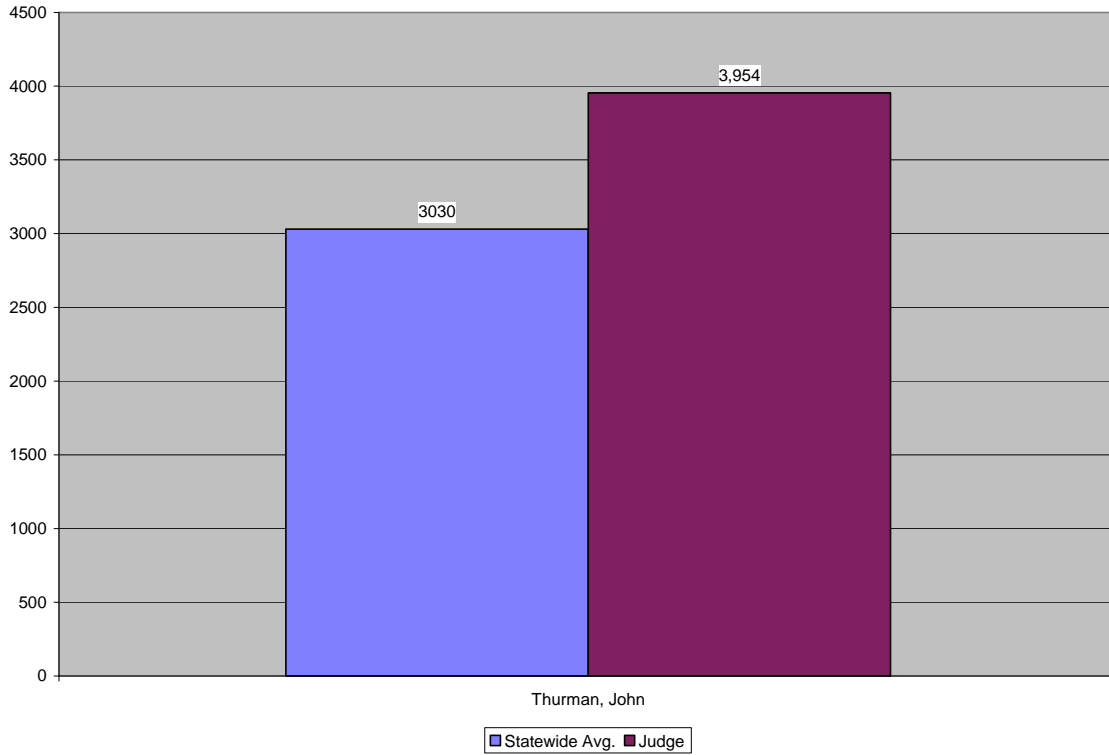
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



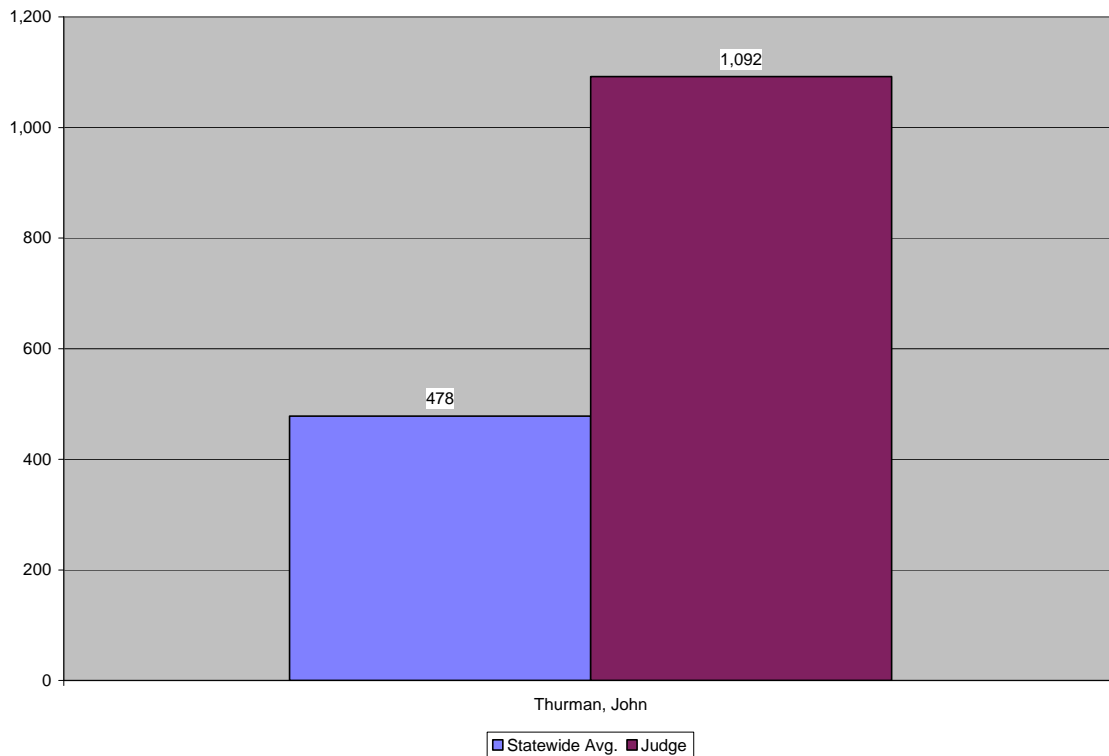
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

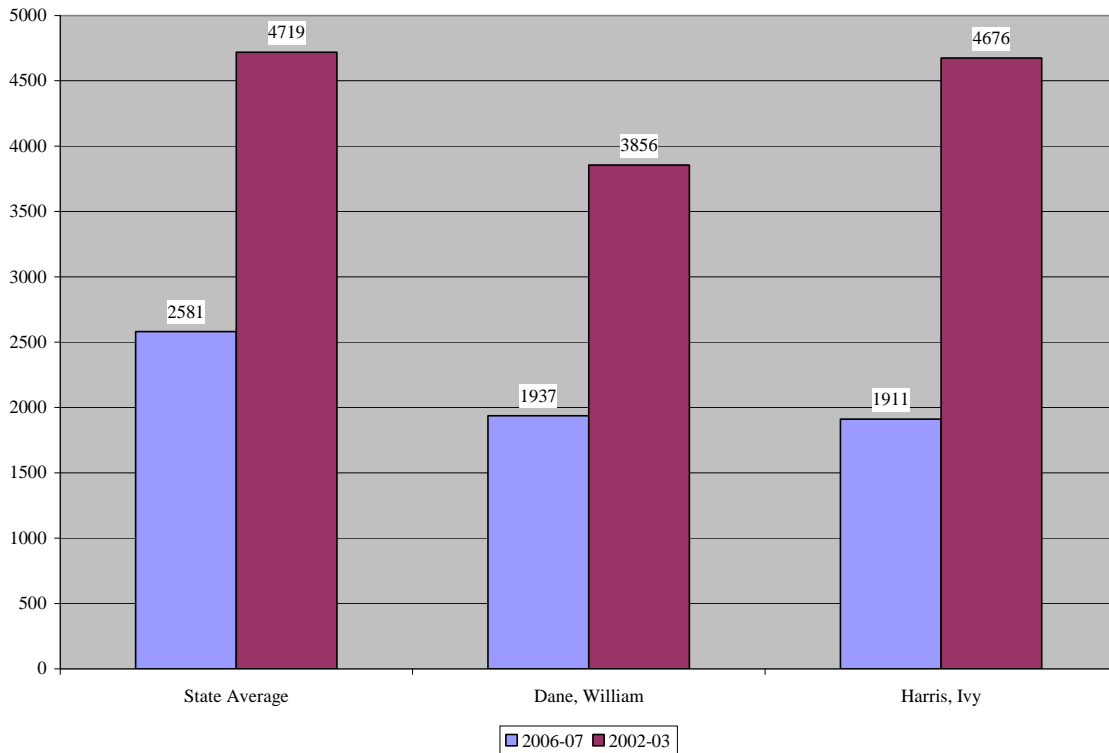


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

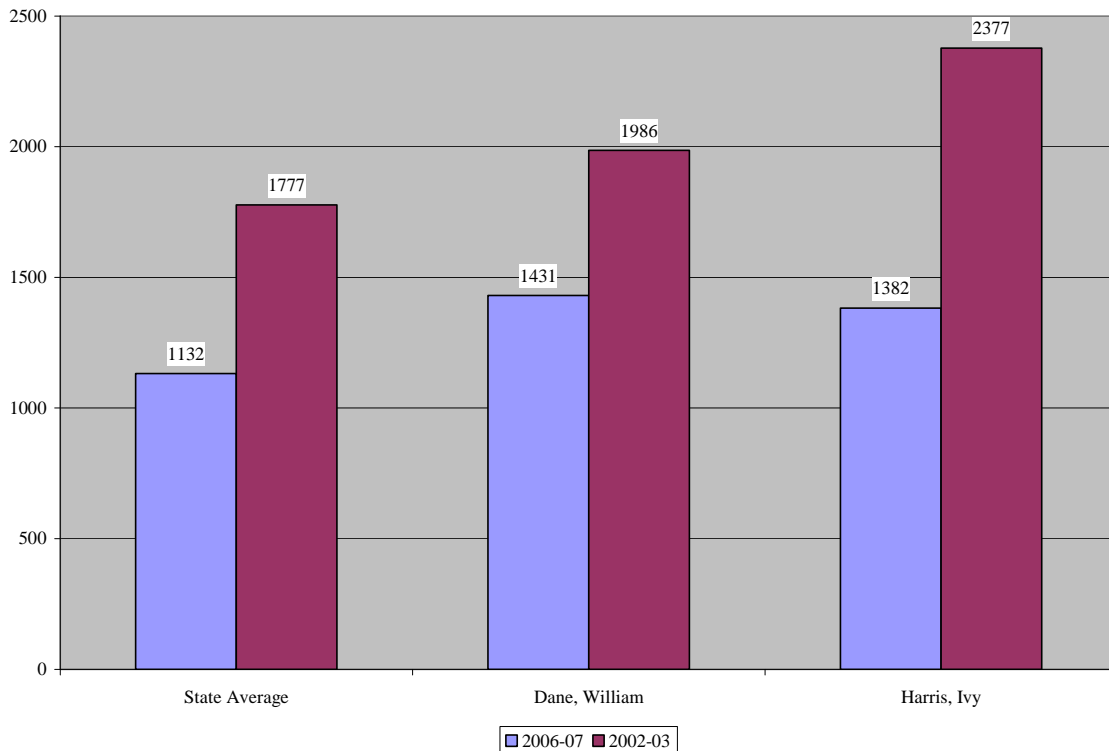


Appendix “7” District JAX (JCC Dane and JCC Harris):

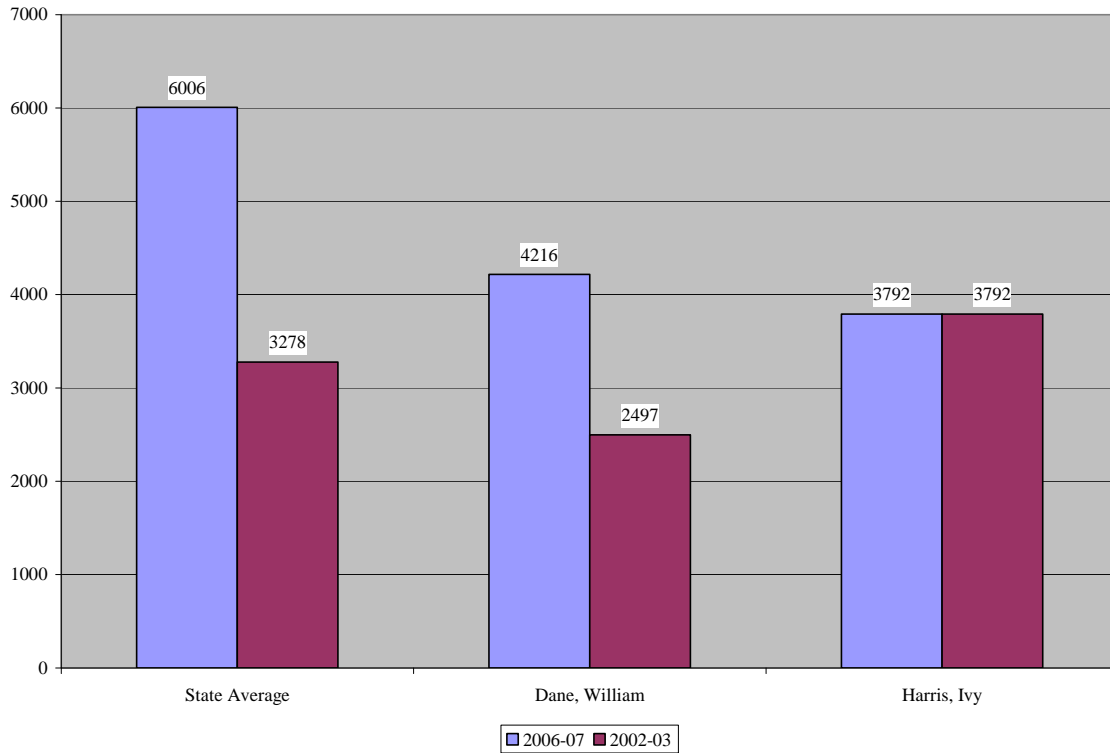
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



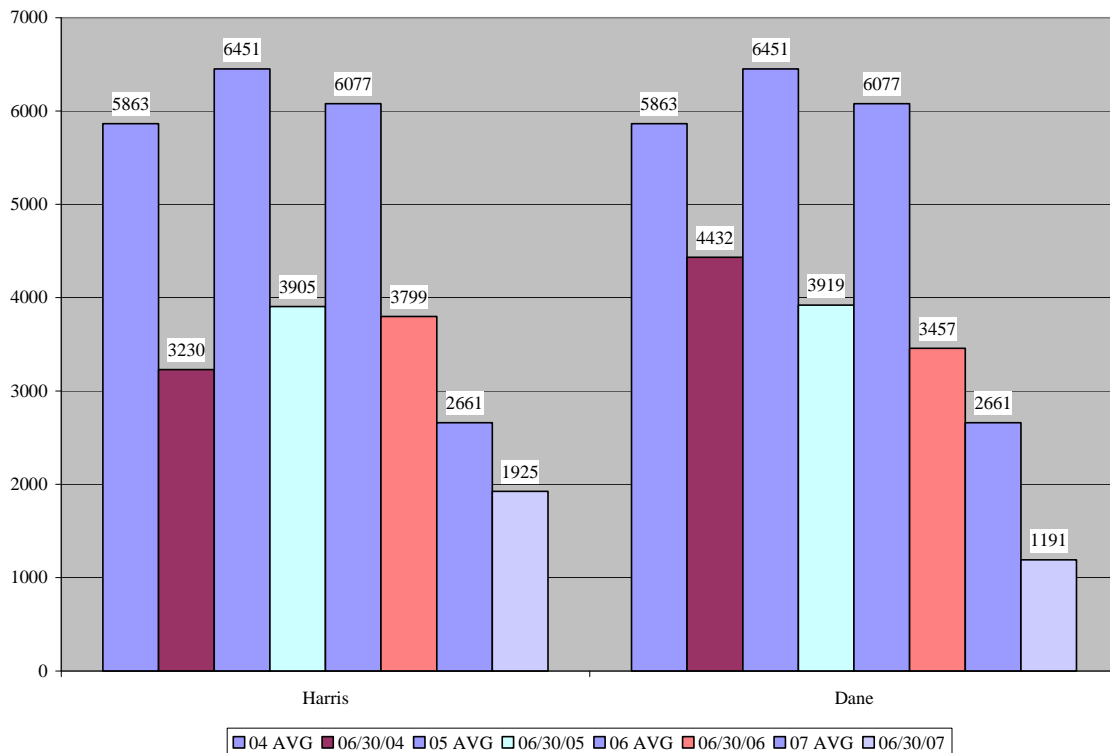
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



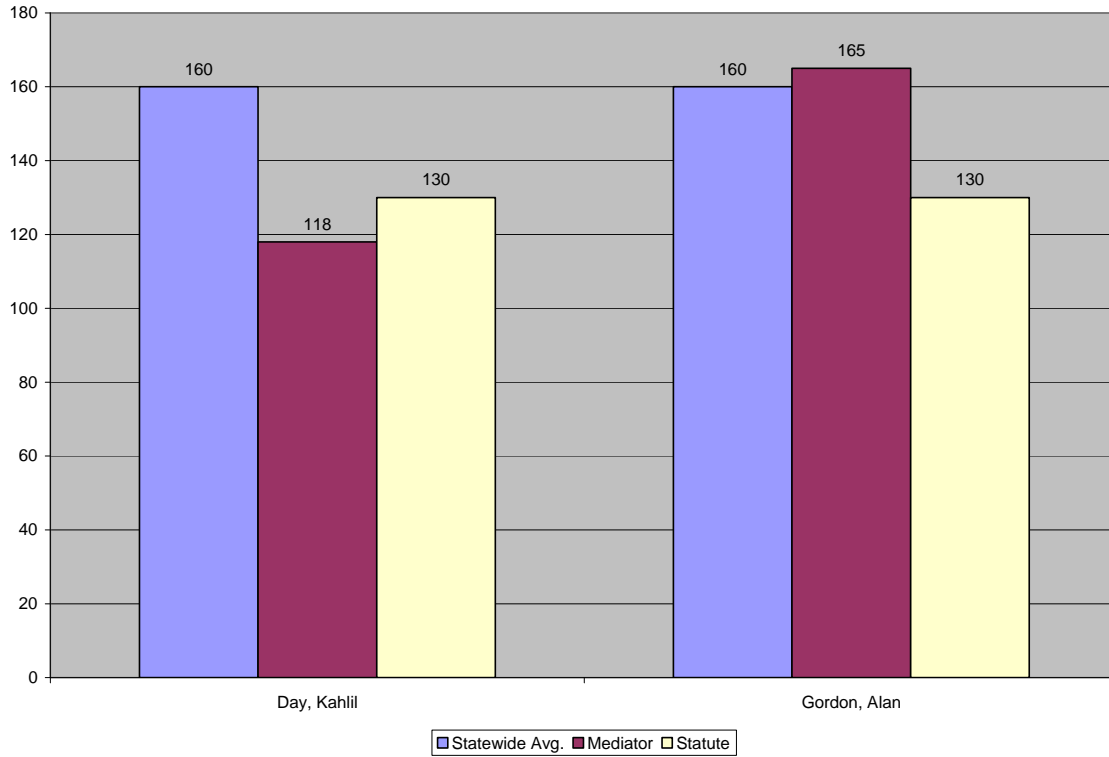
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



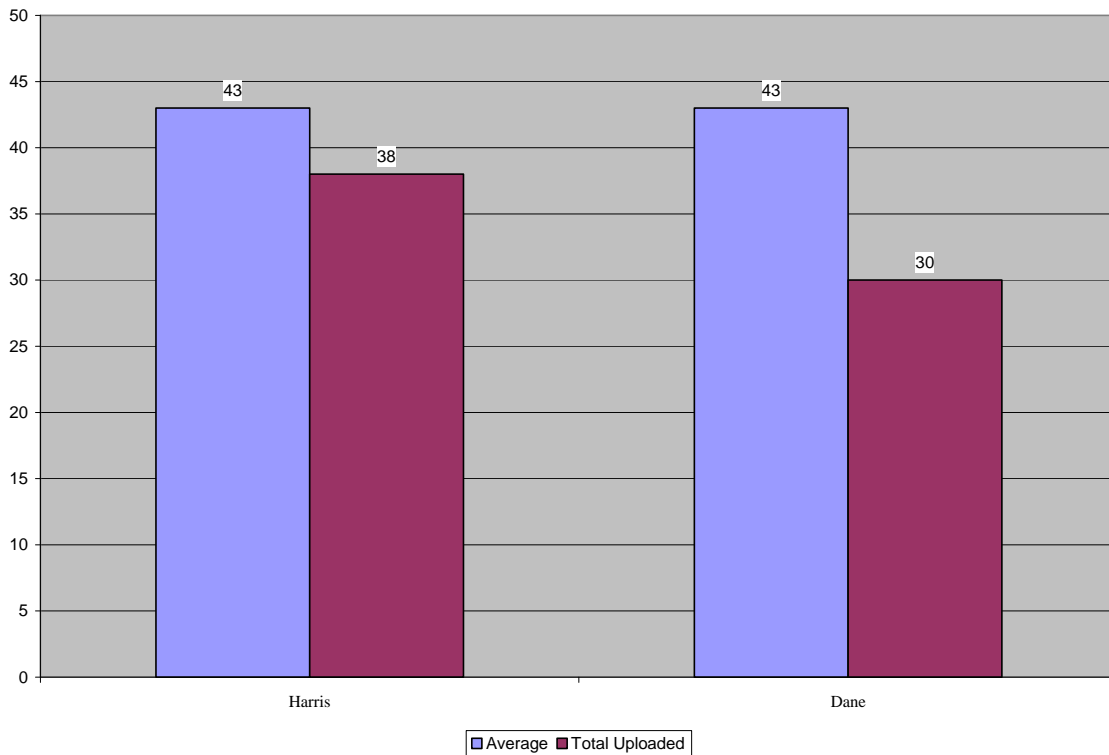
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



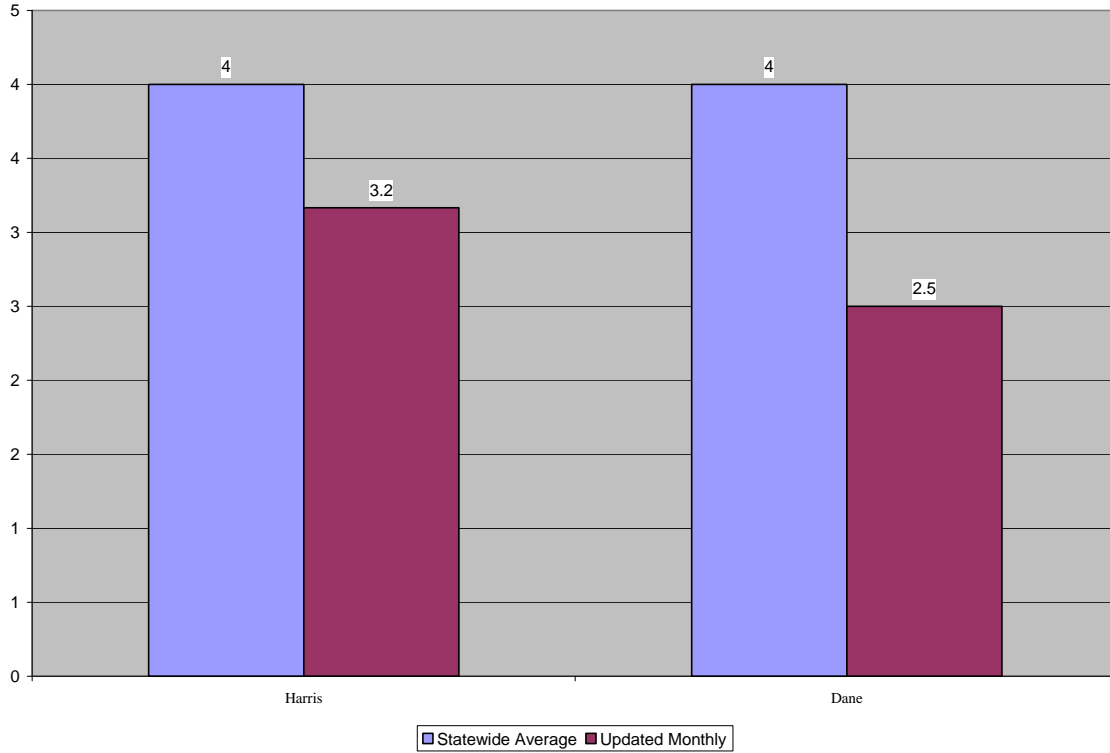
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



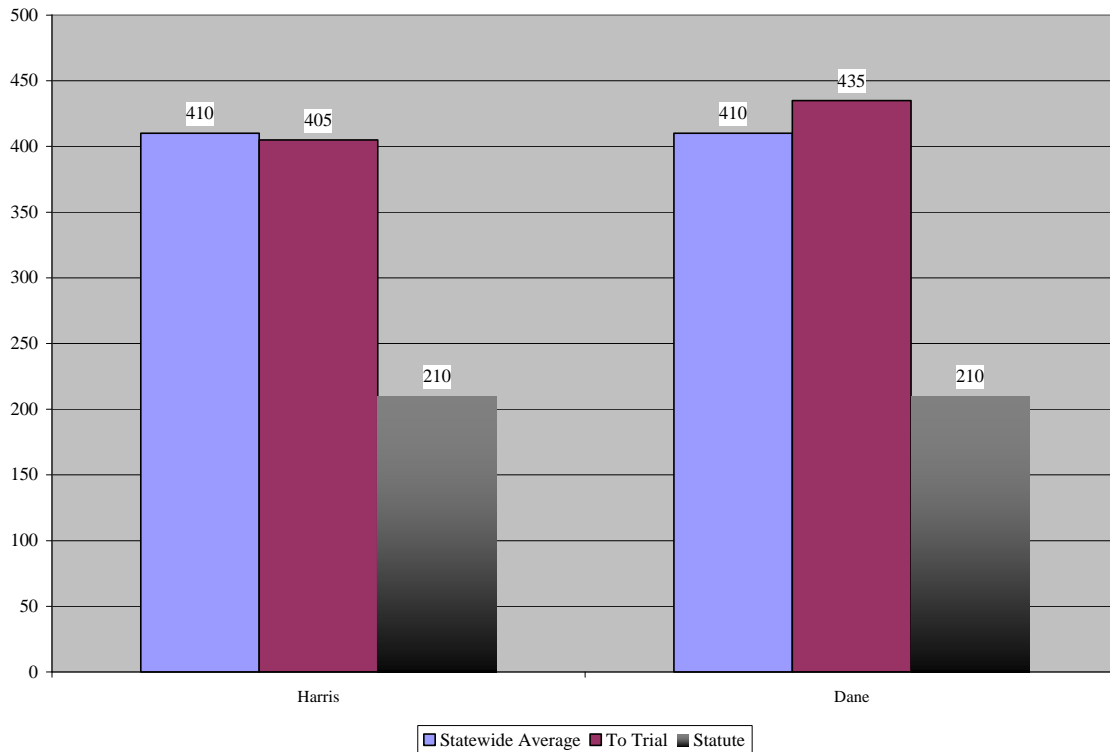
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



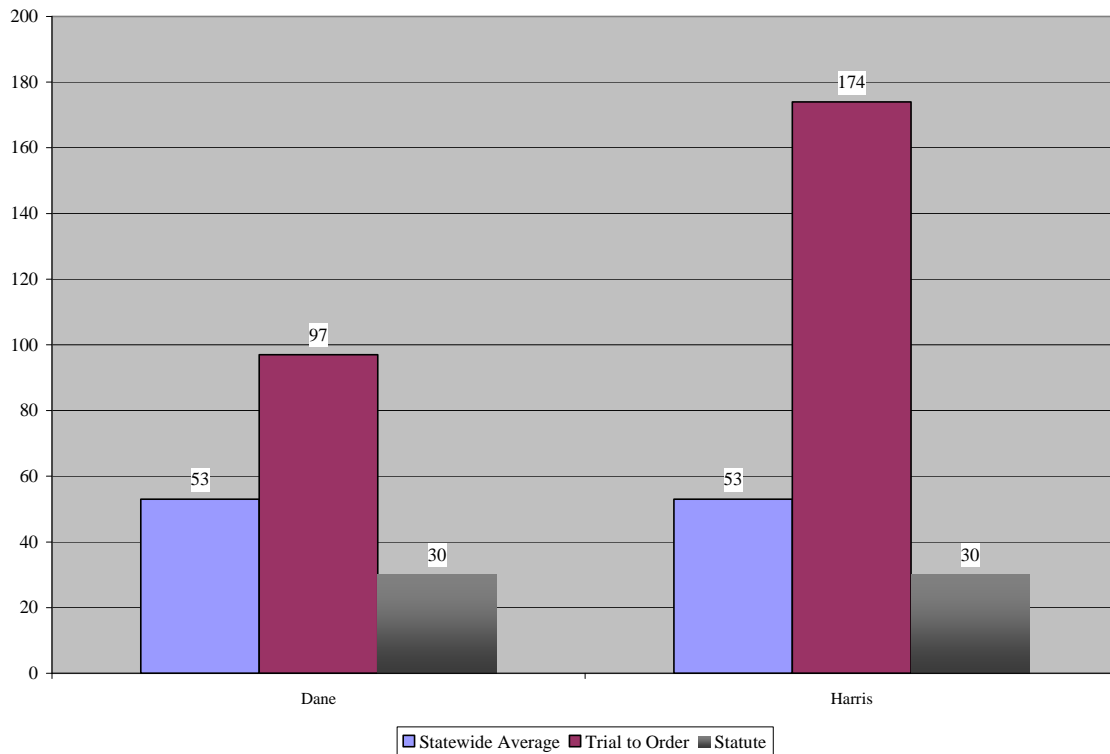
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



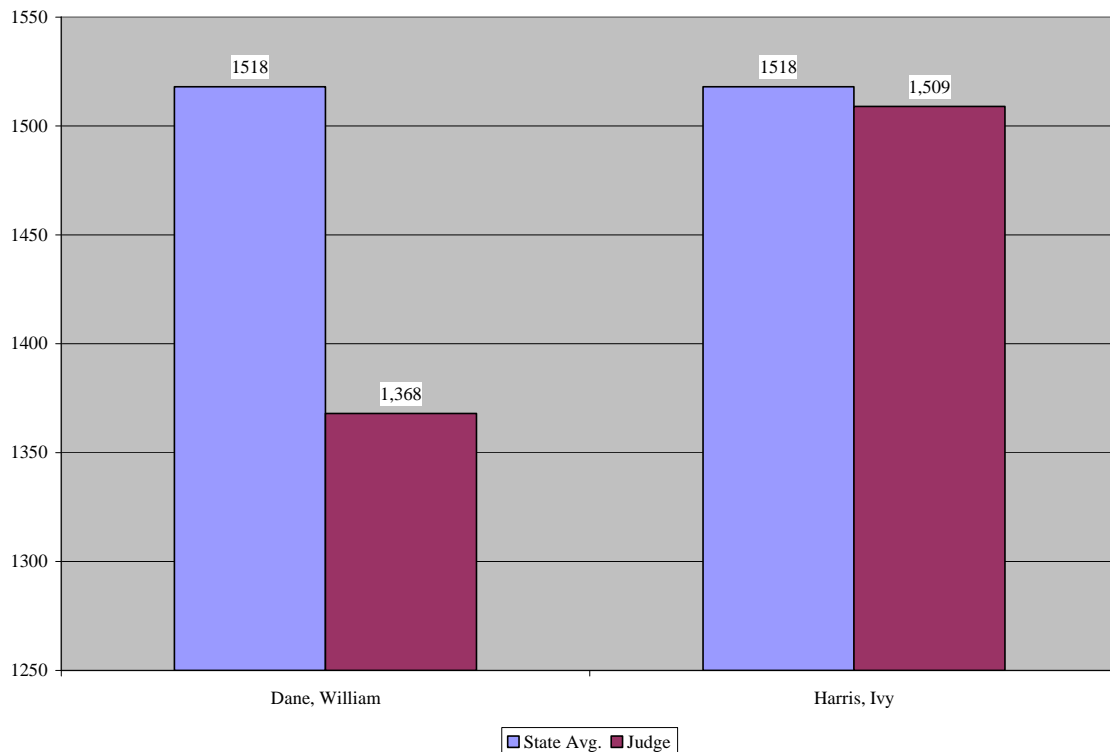
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



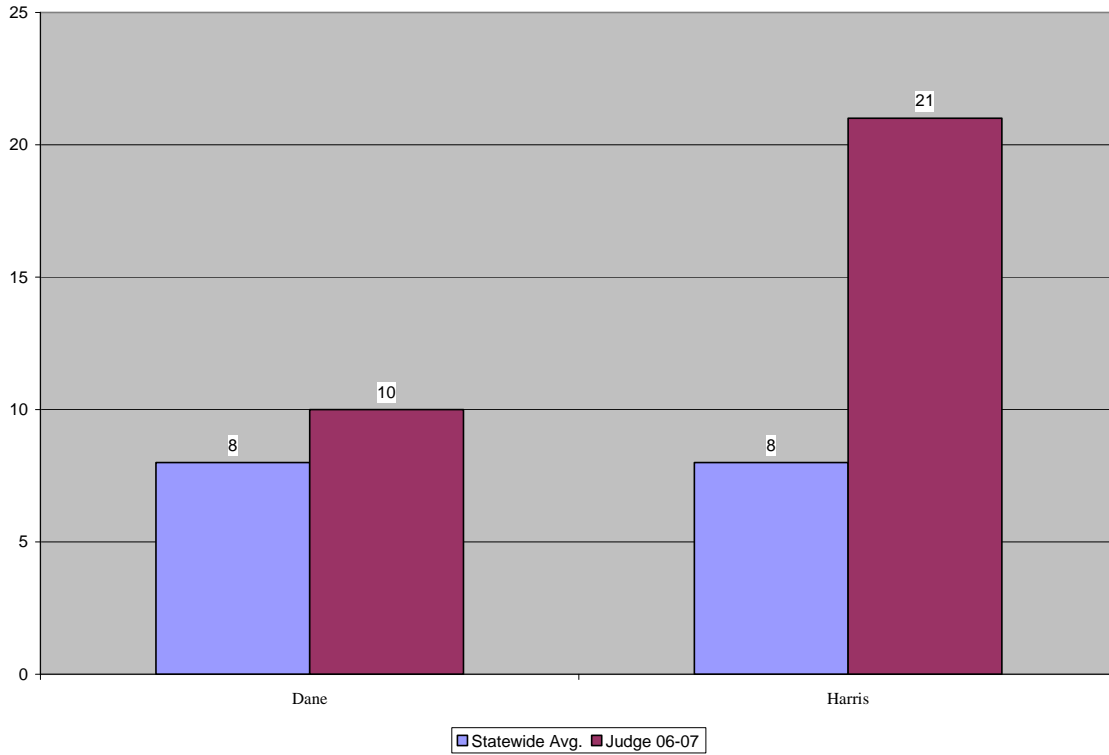
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



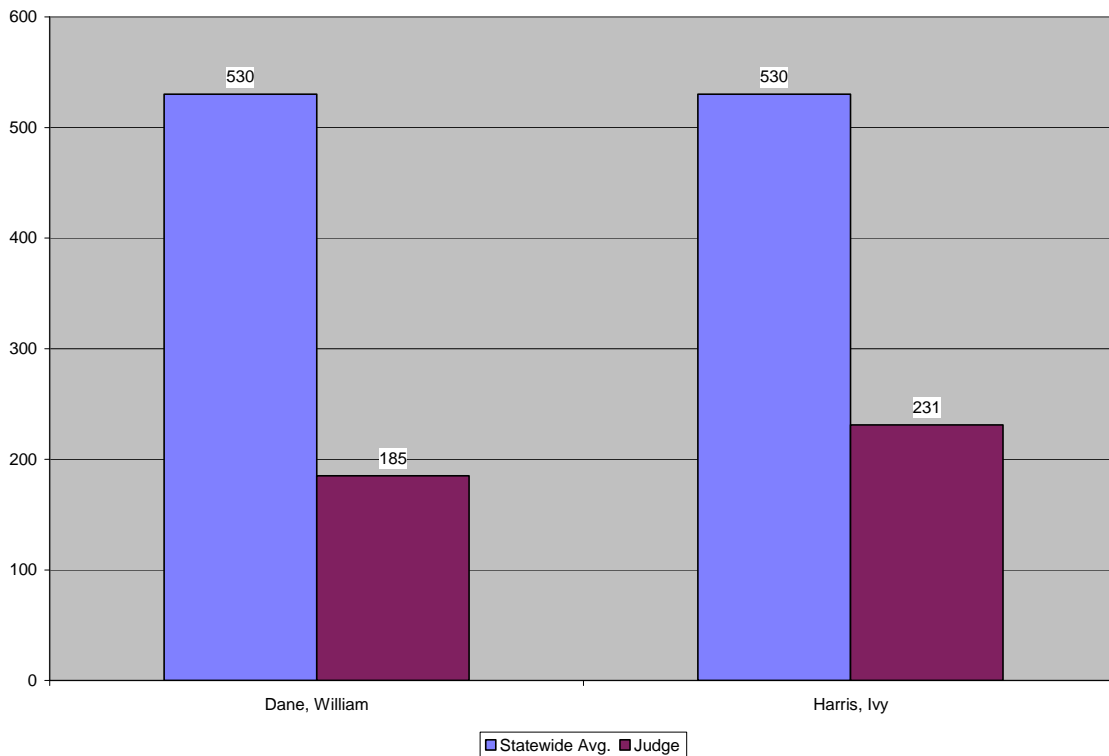
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



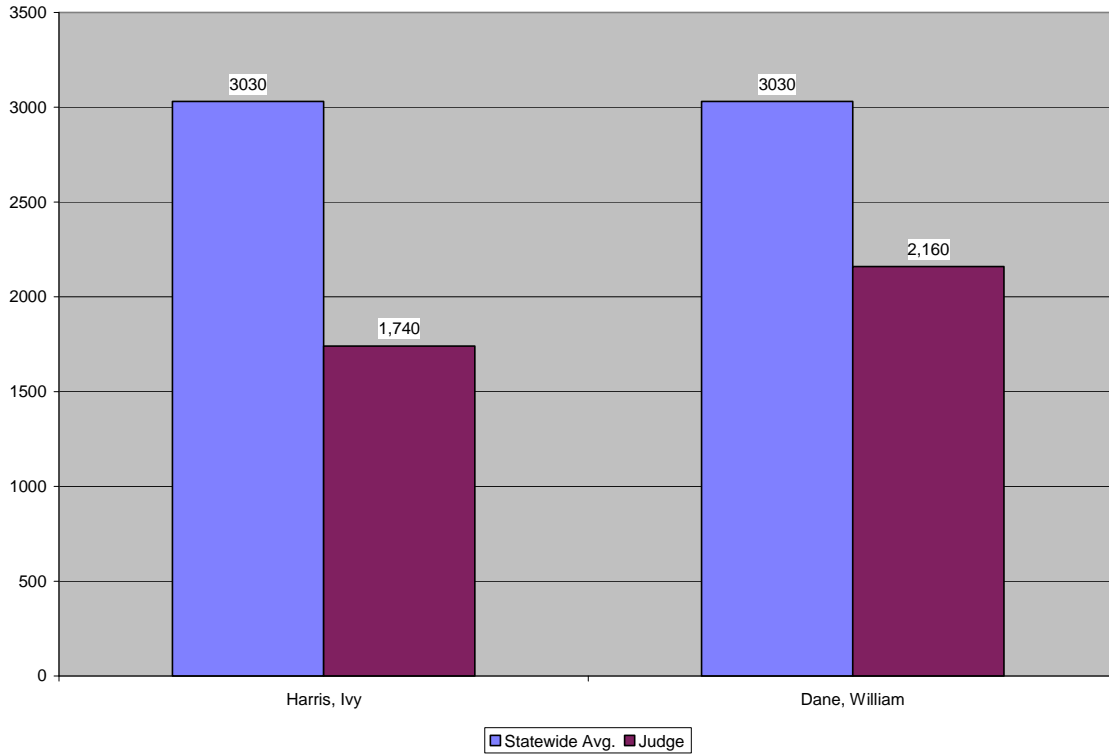
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



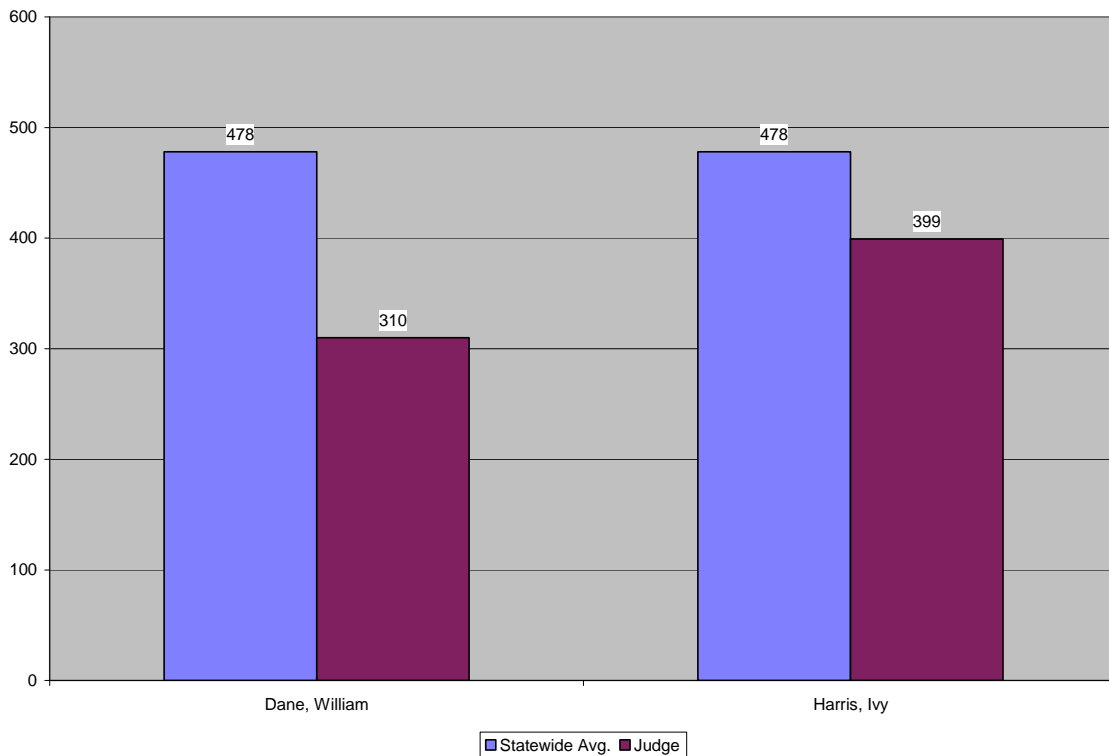
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

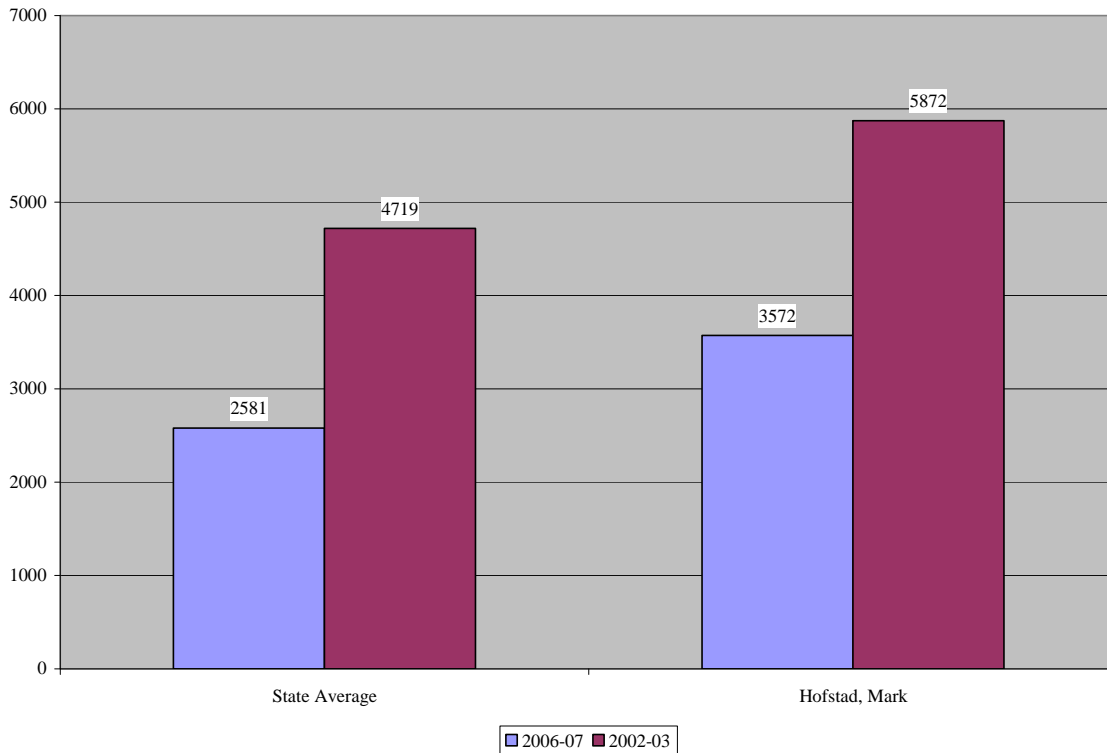


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

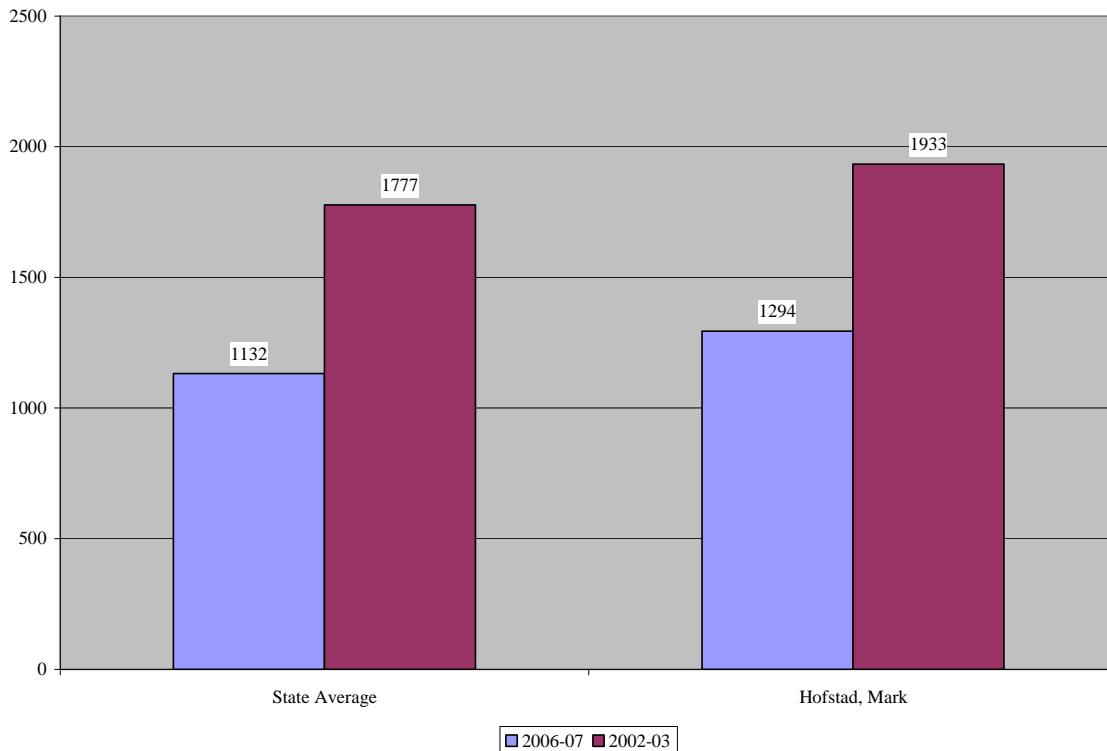


Appendix “8” District LKL (JCC Hofstad):

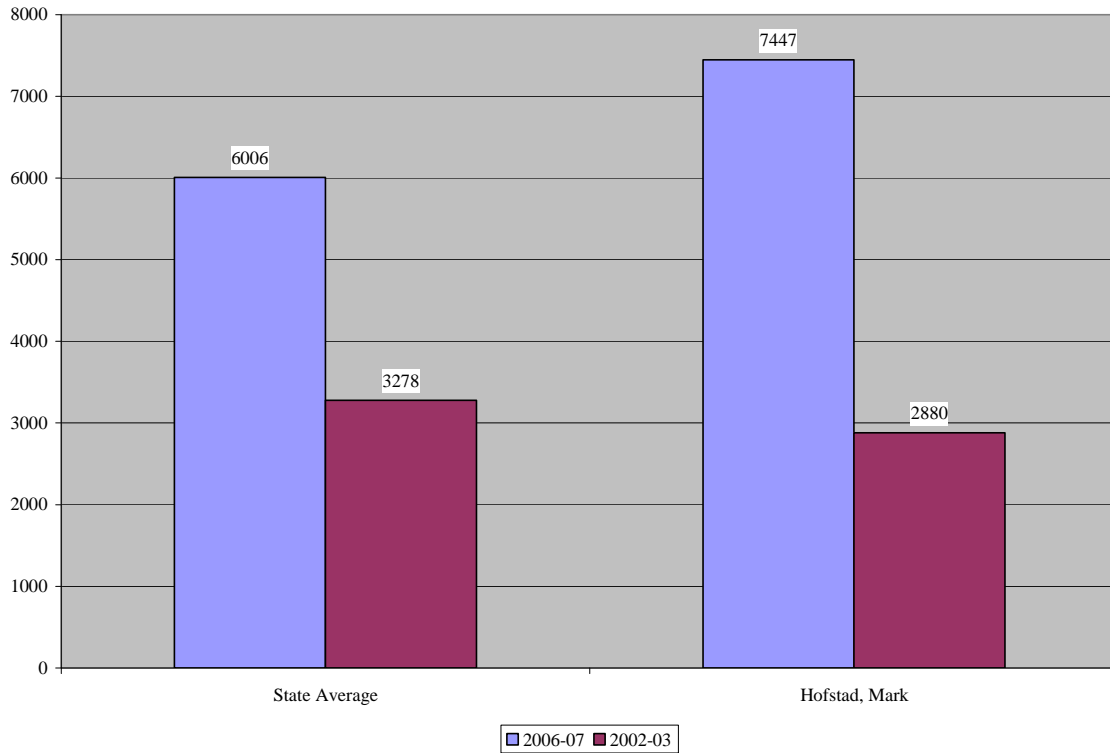
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



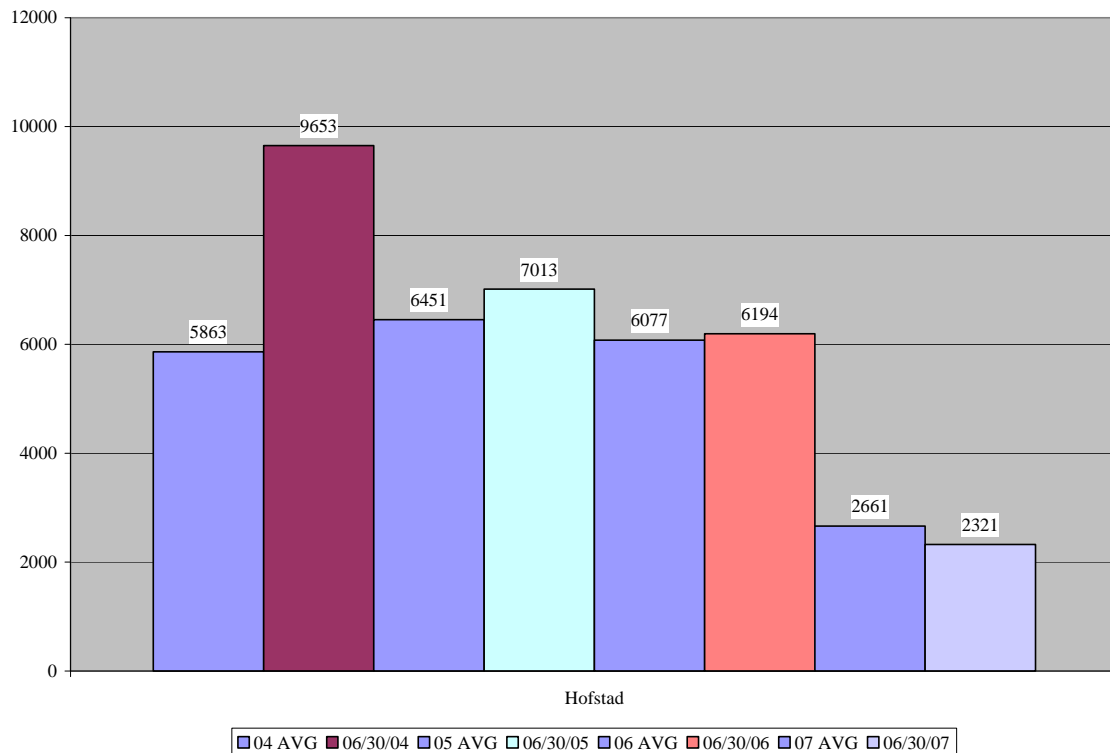
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



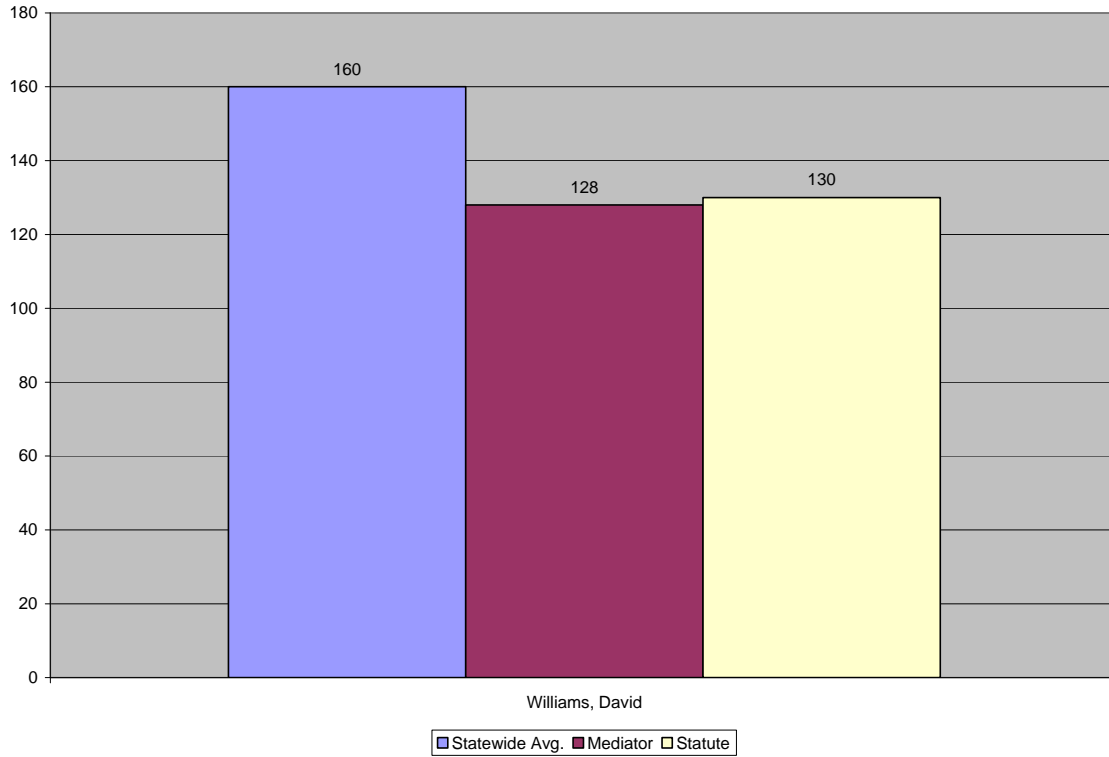
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



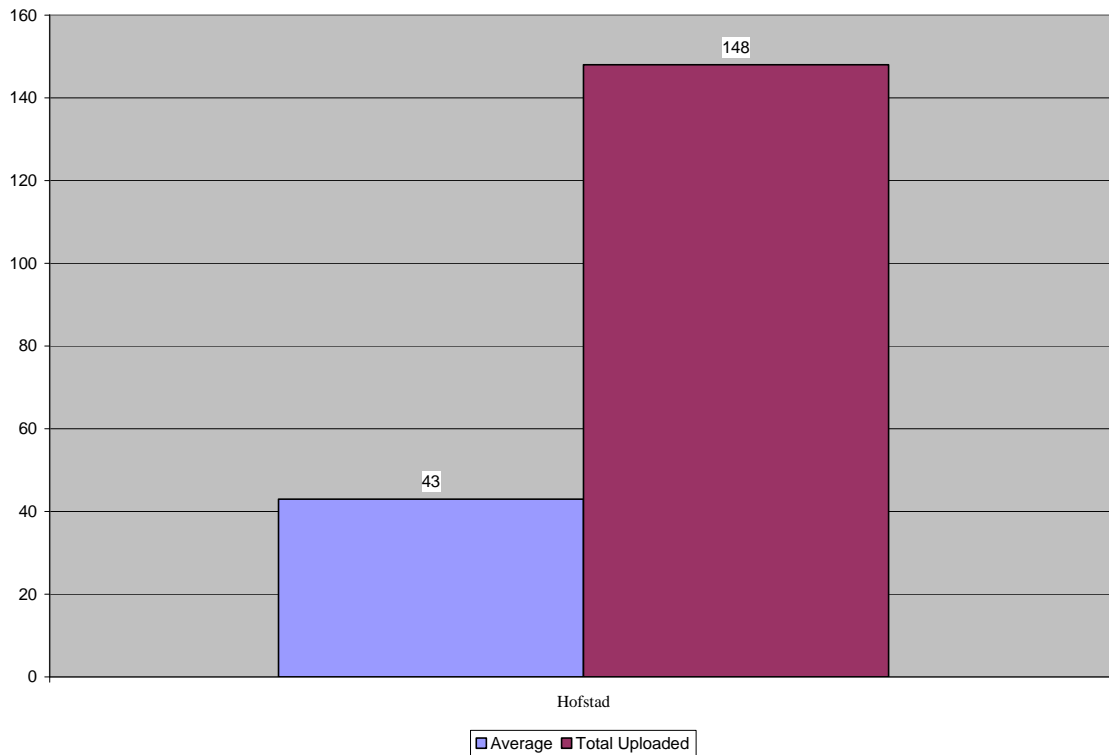
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



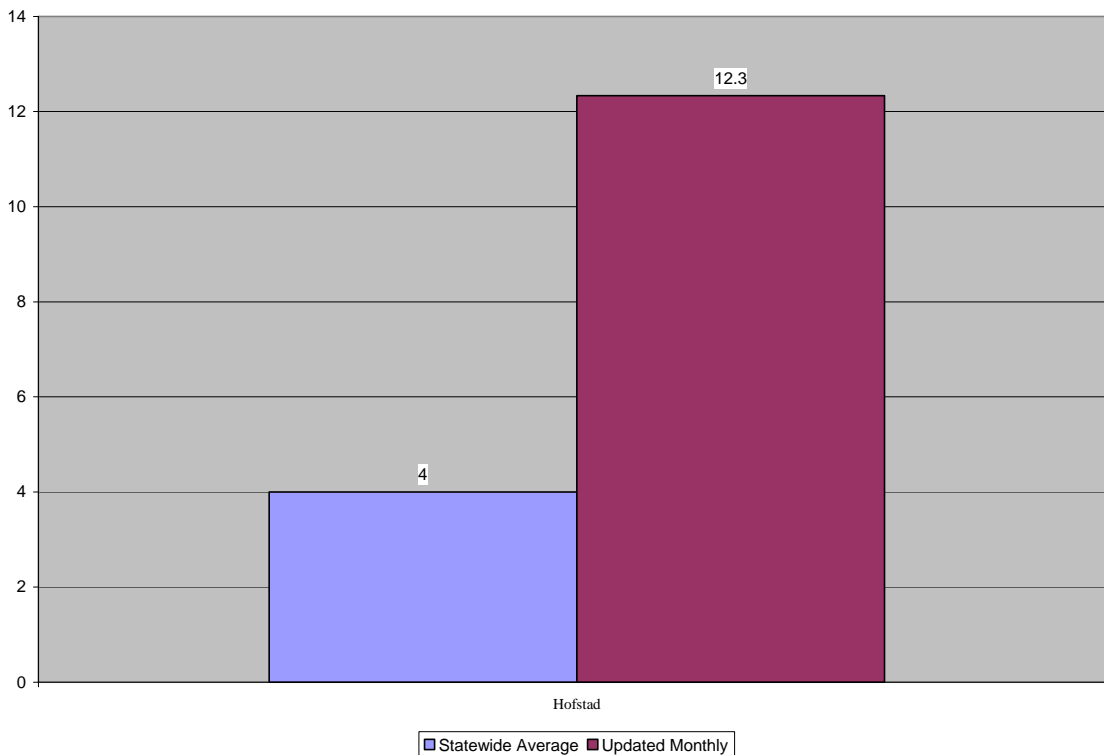
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



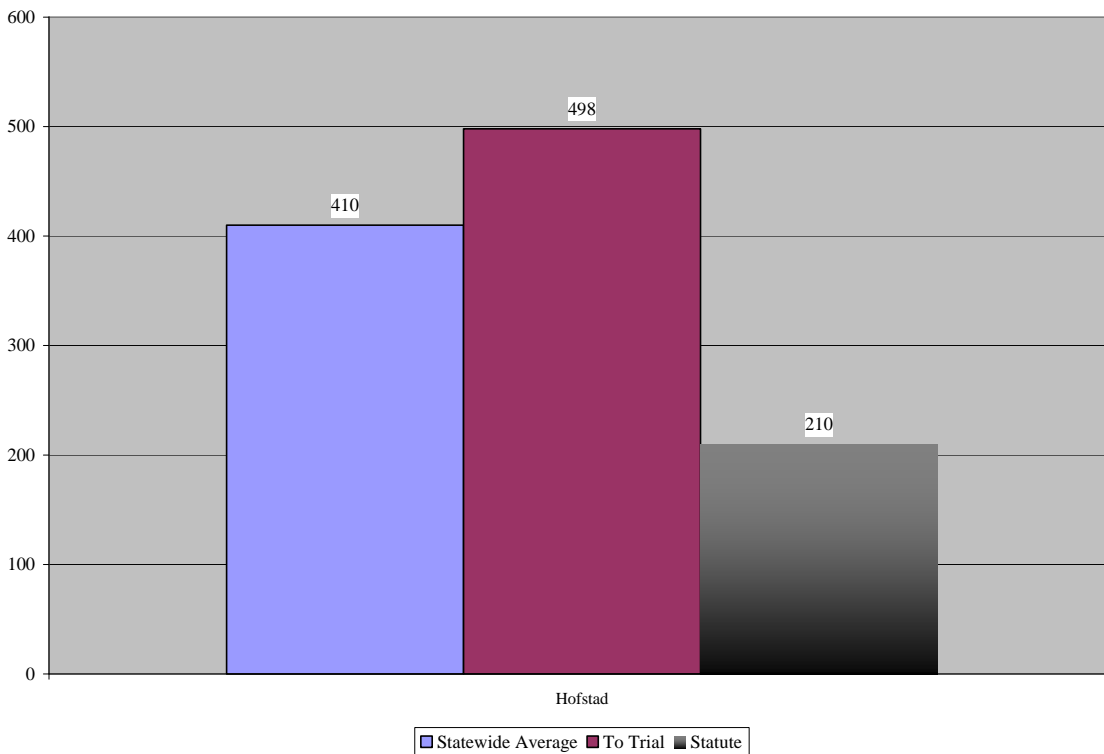
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



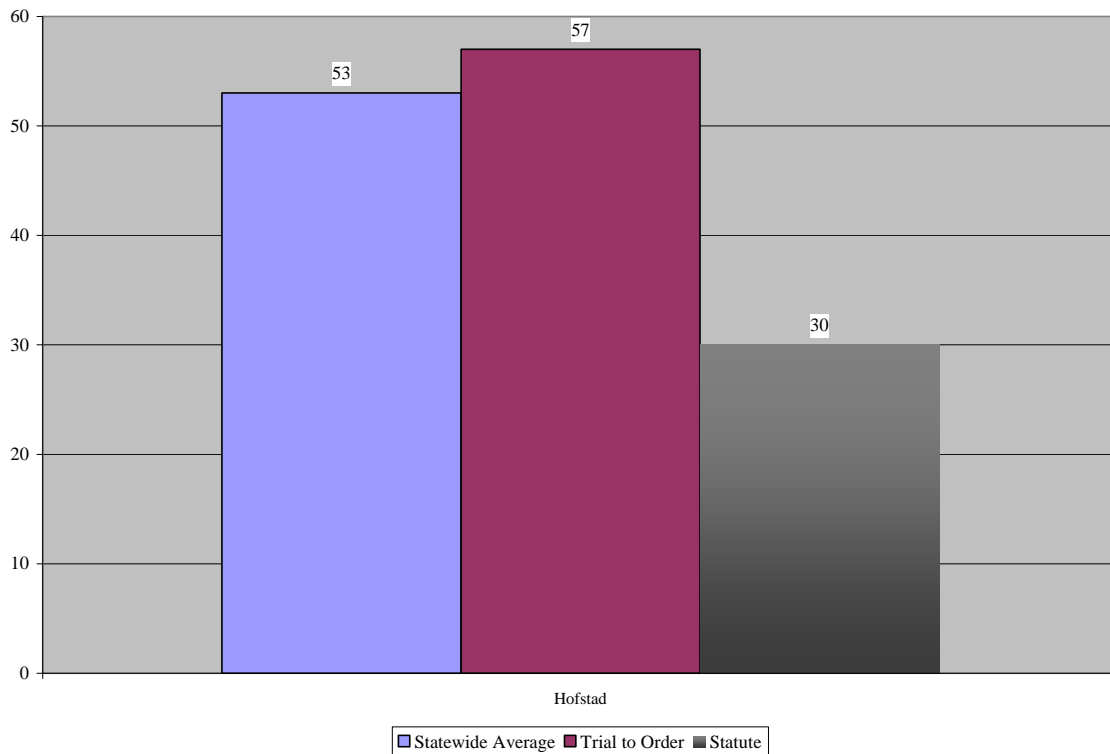
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



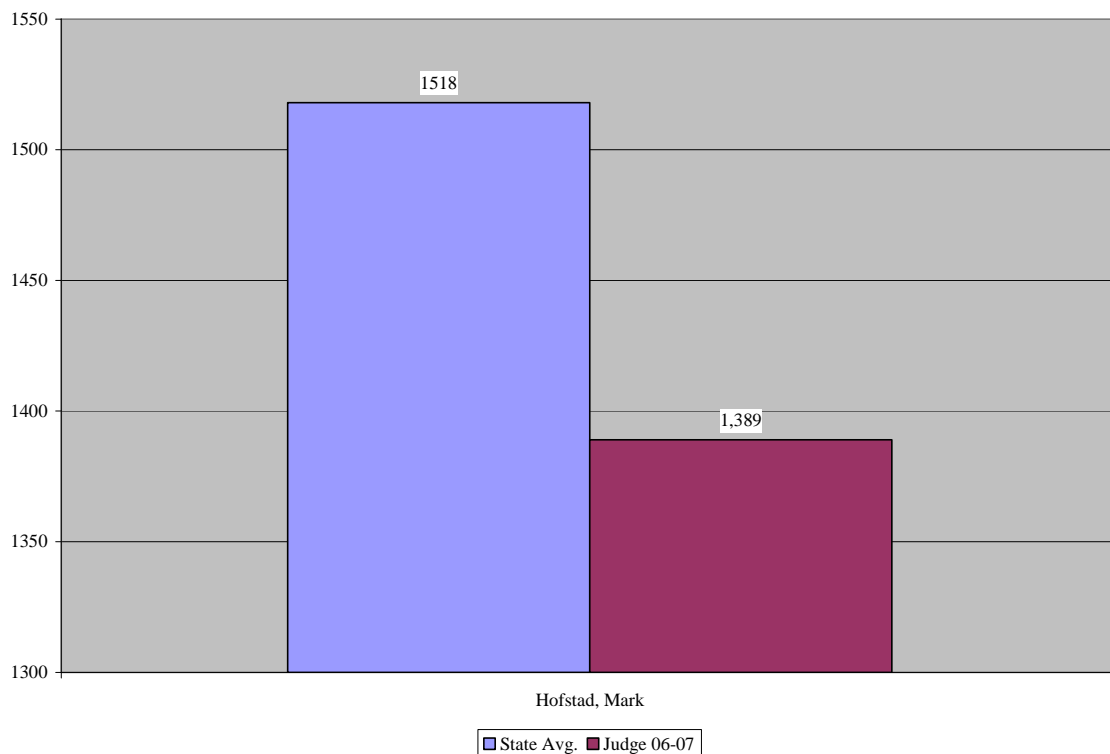
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



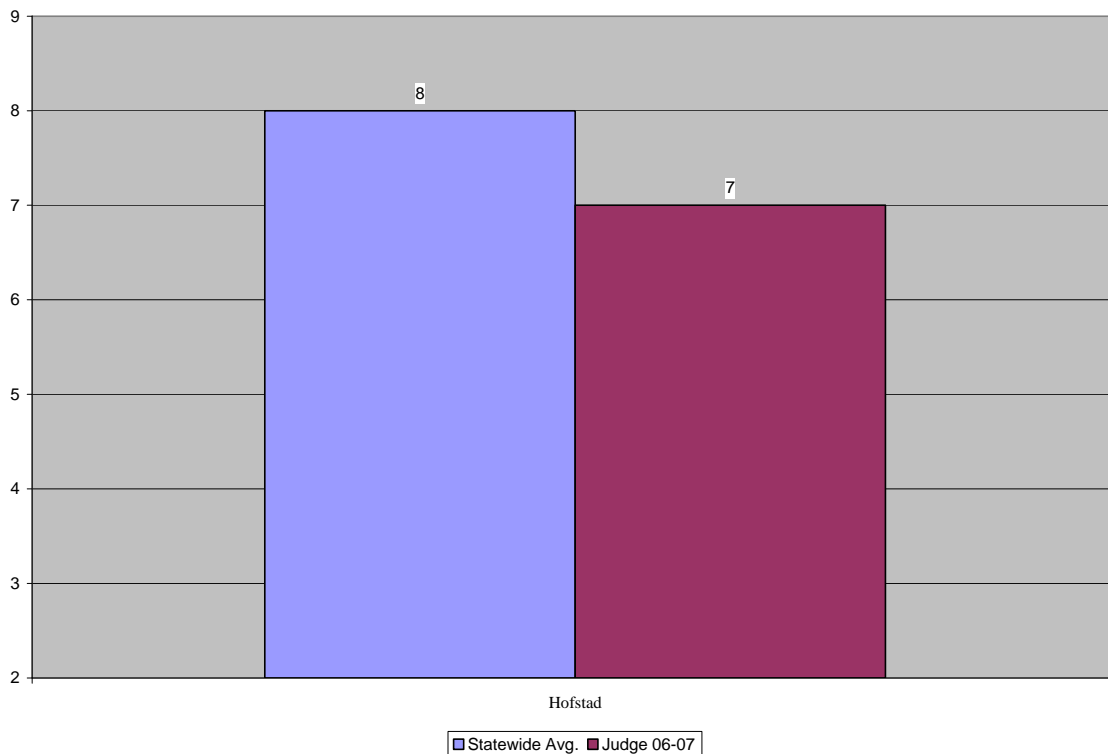
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



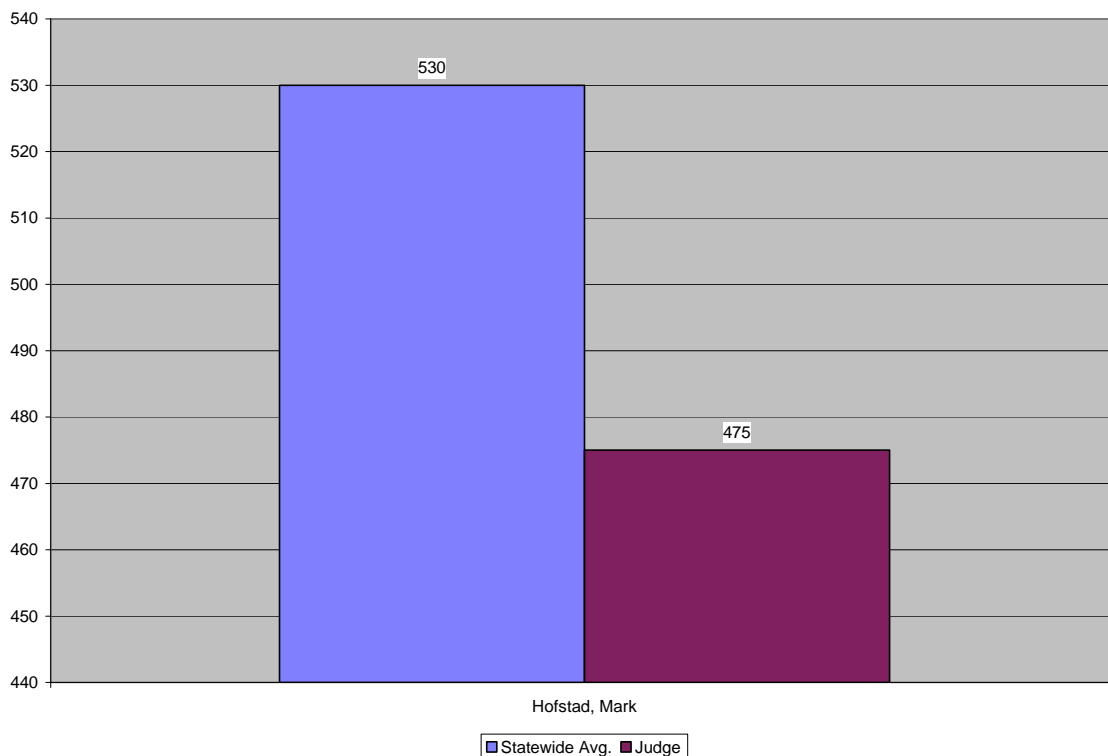
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



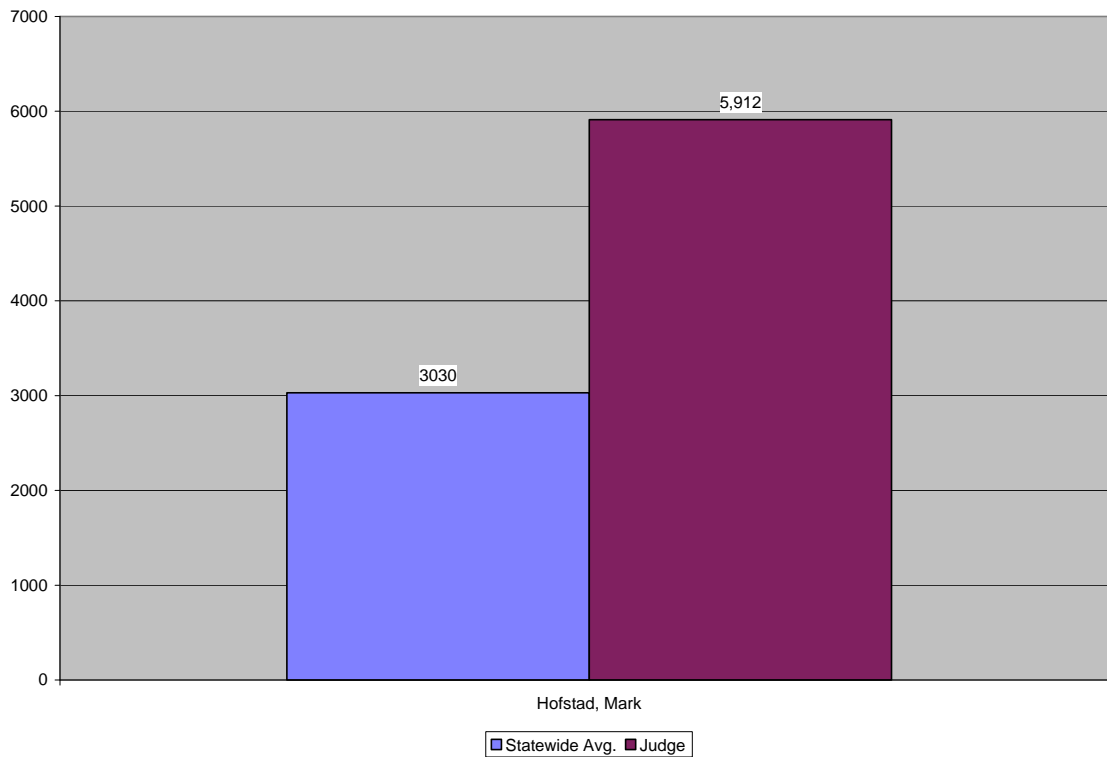
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



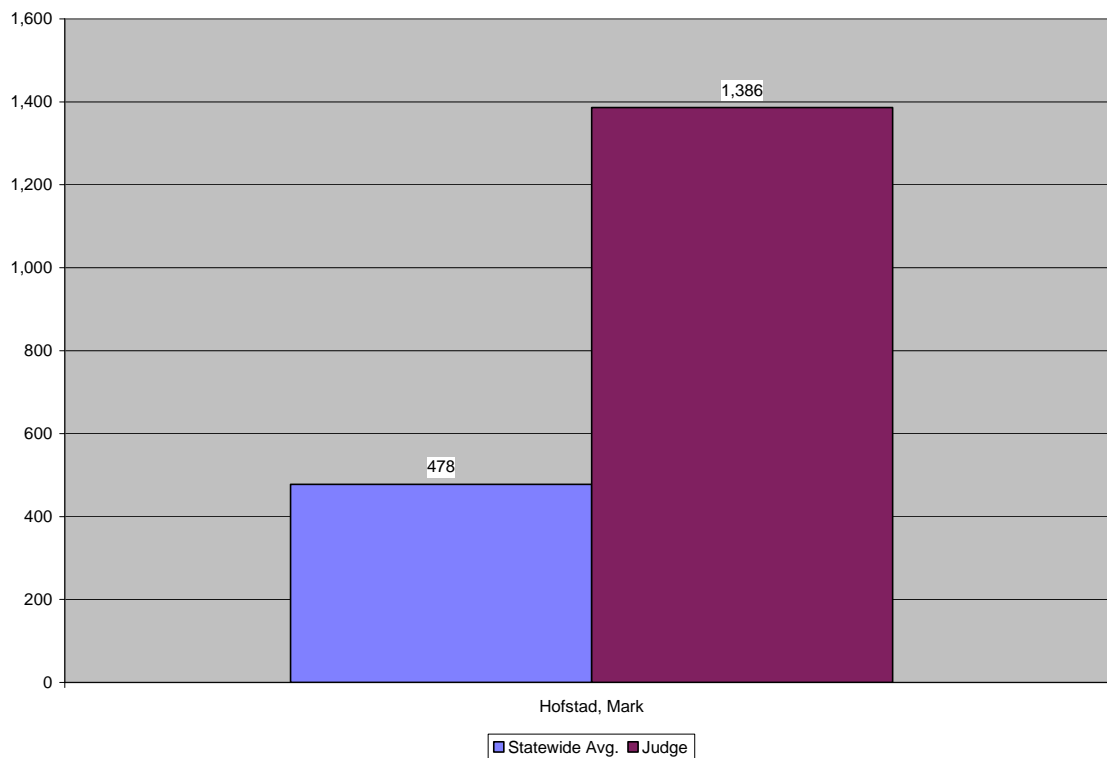
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

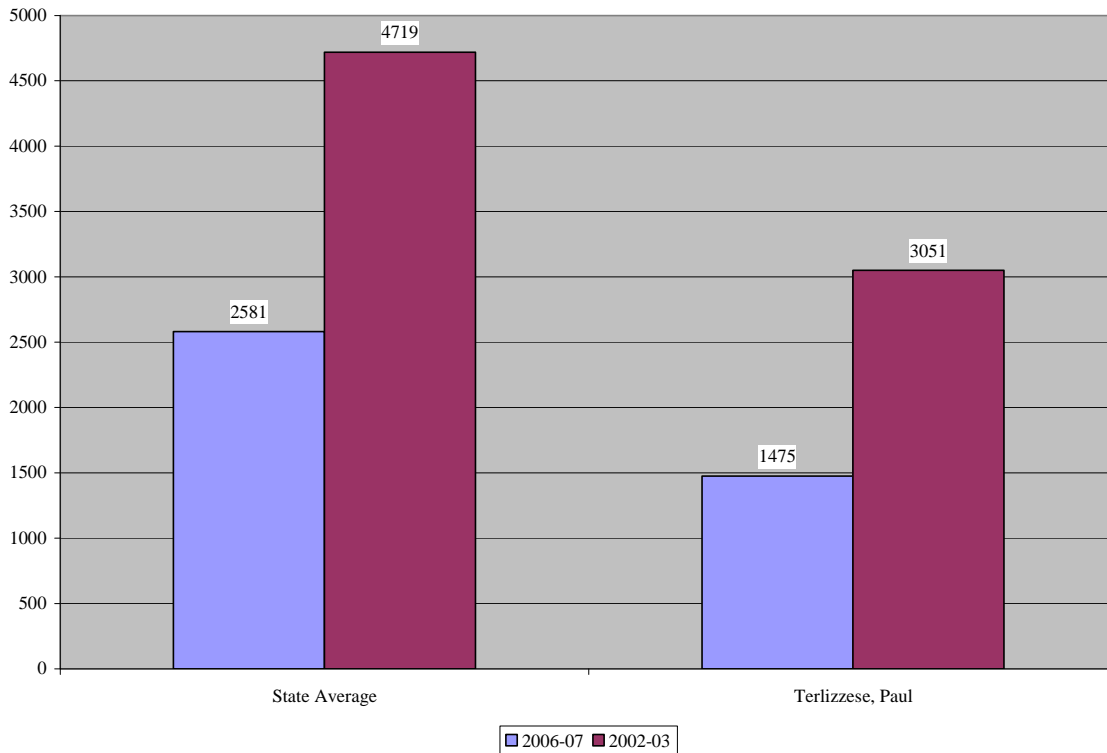


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

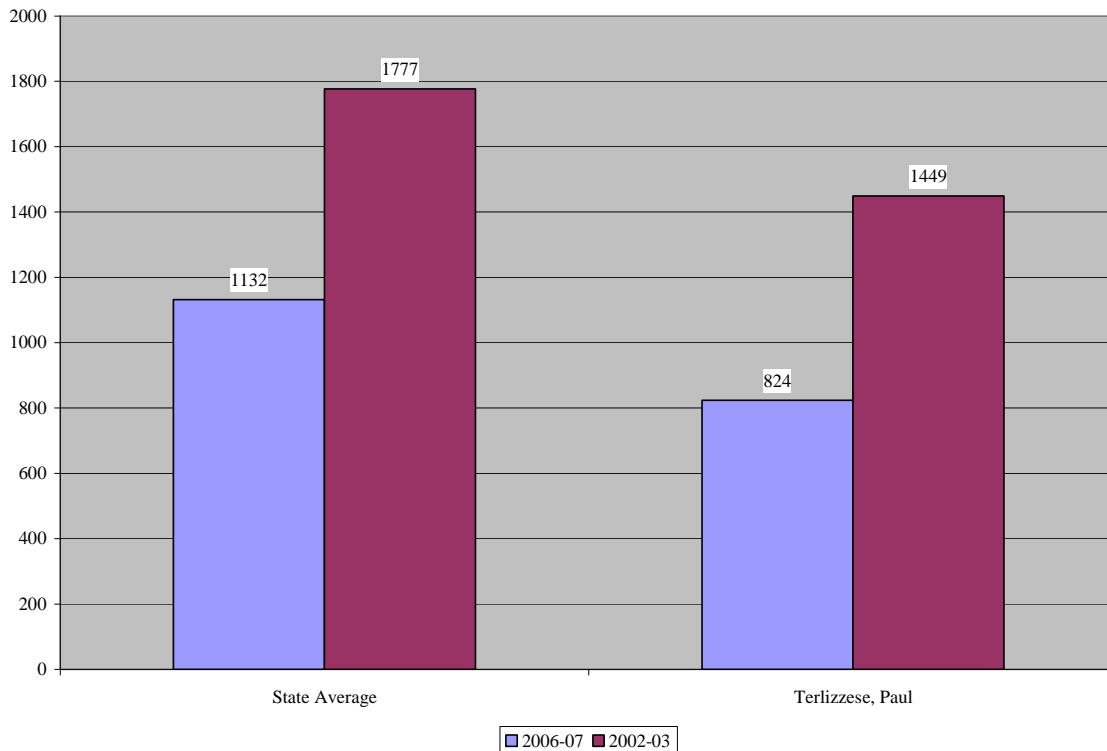


Appendix “9” District MEL (JCC Terlizzese):

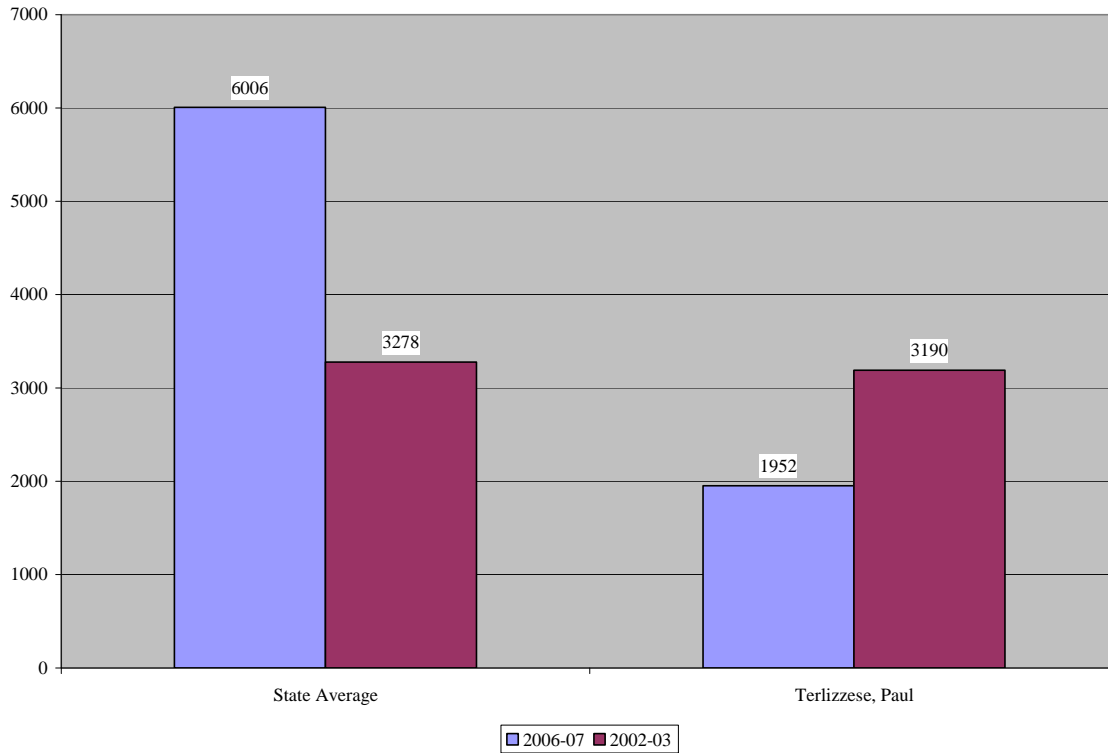
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



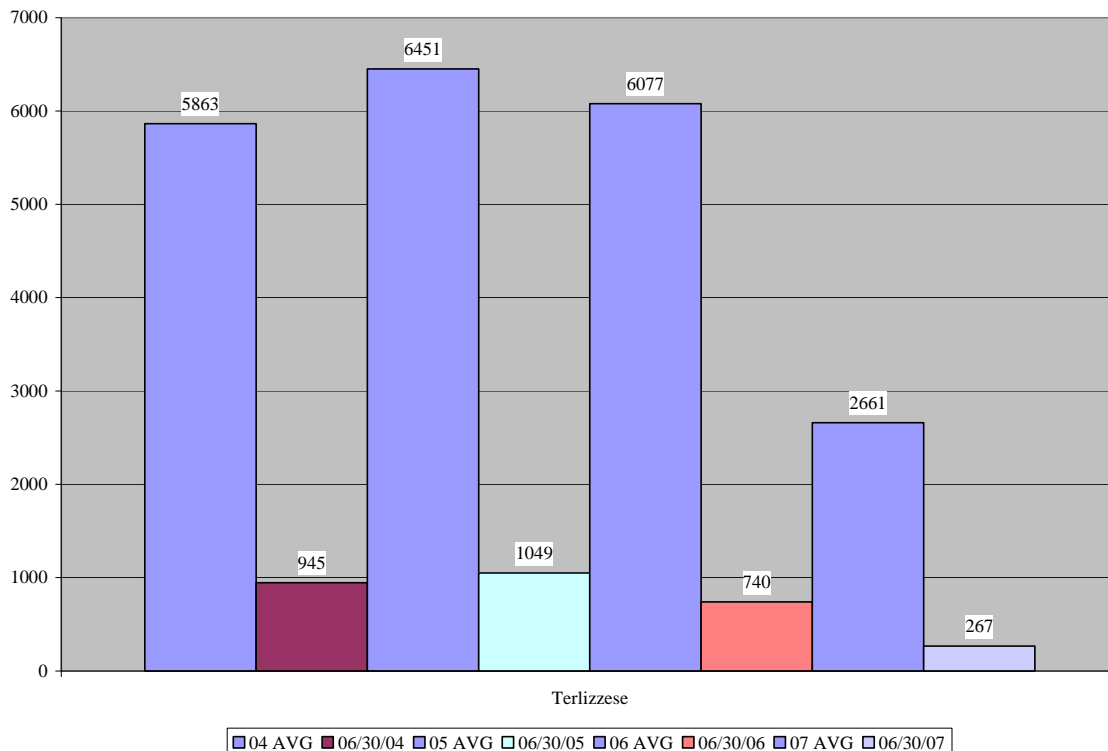
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



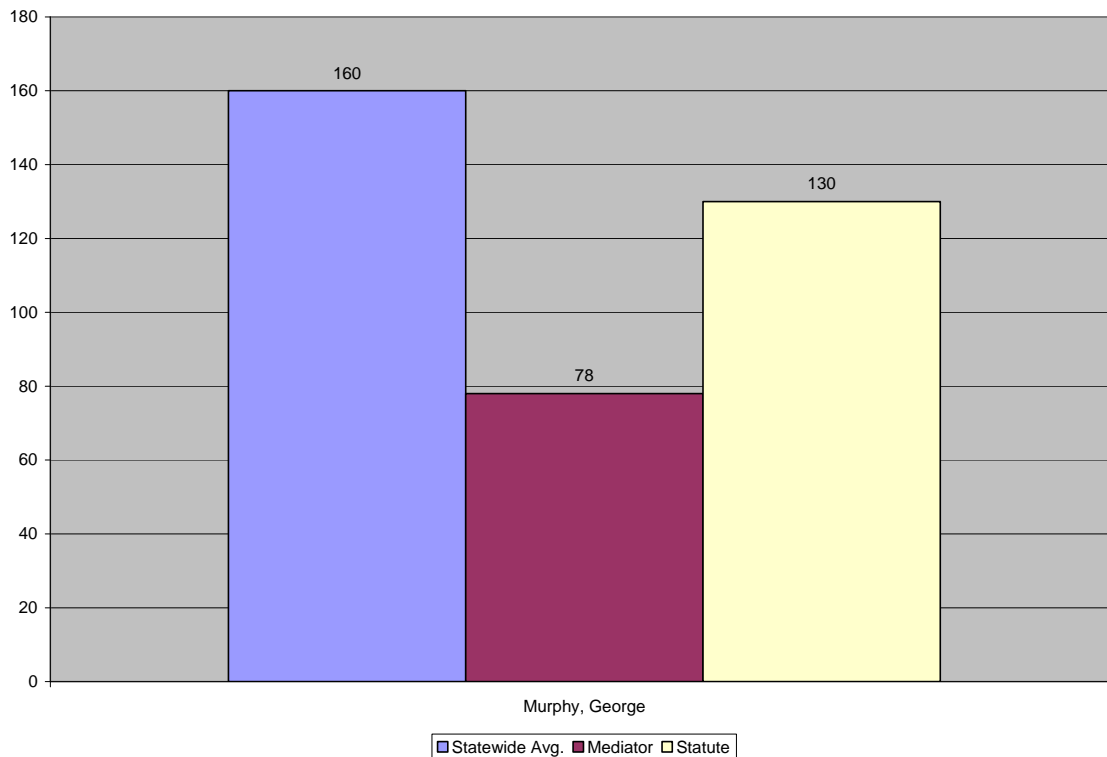
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



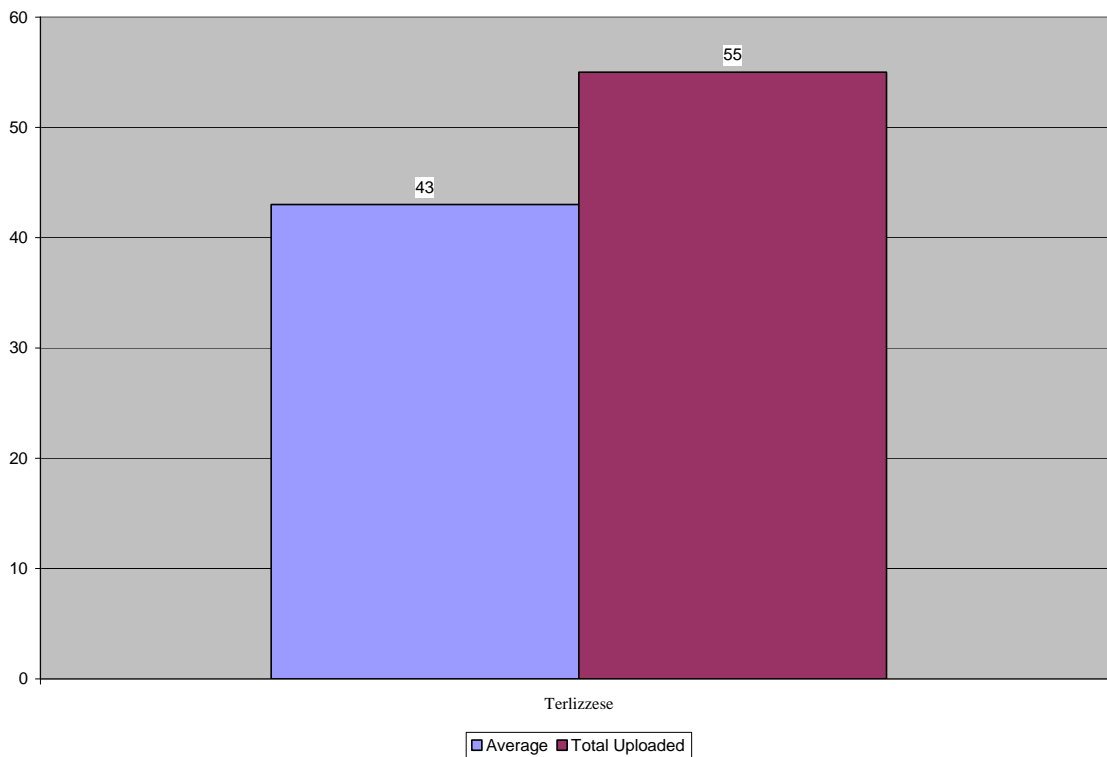
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



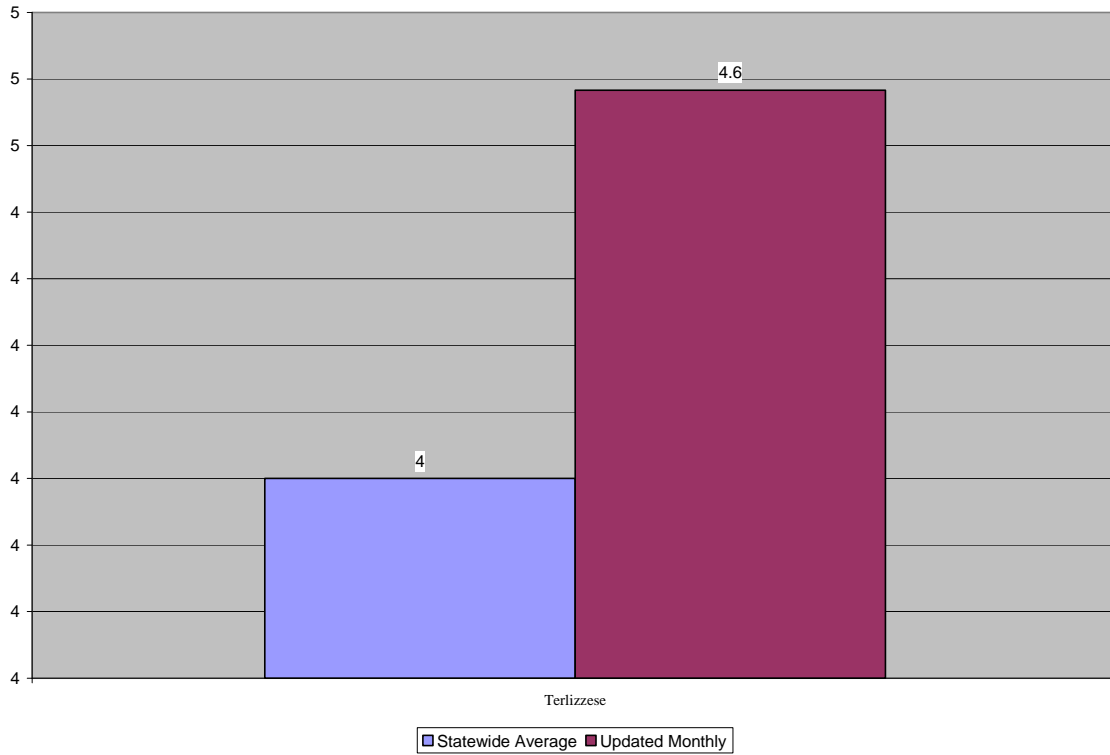
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



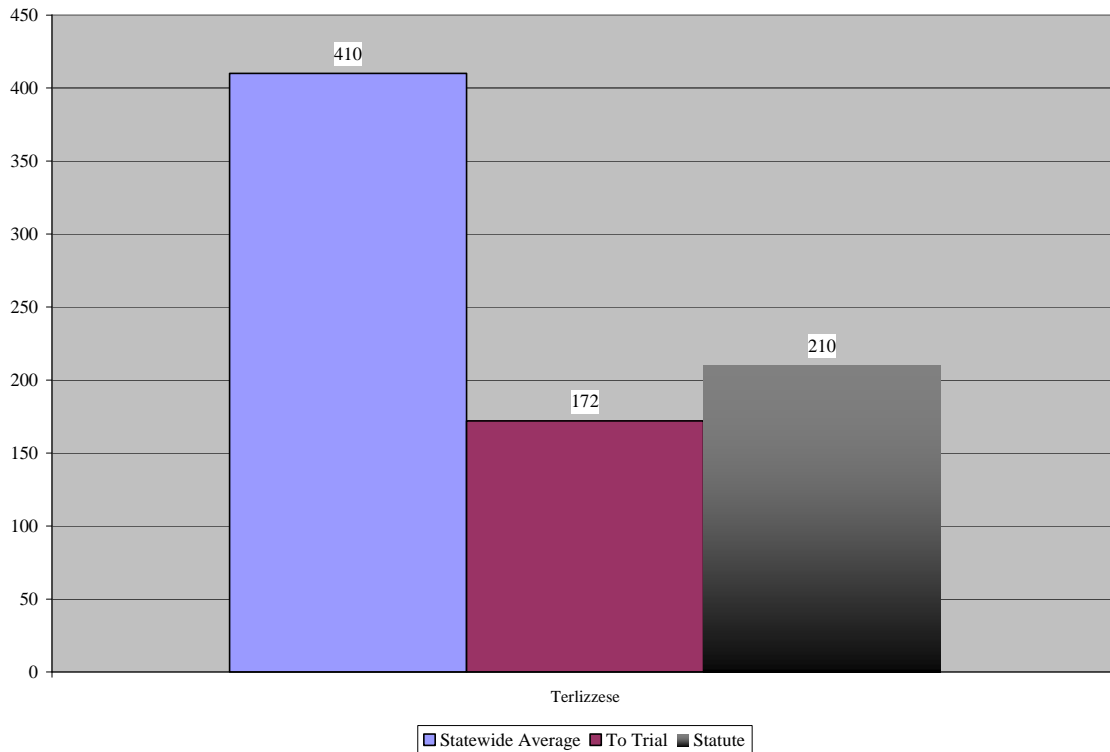
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



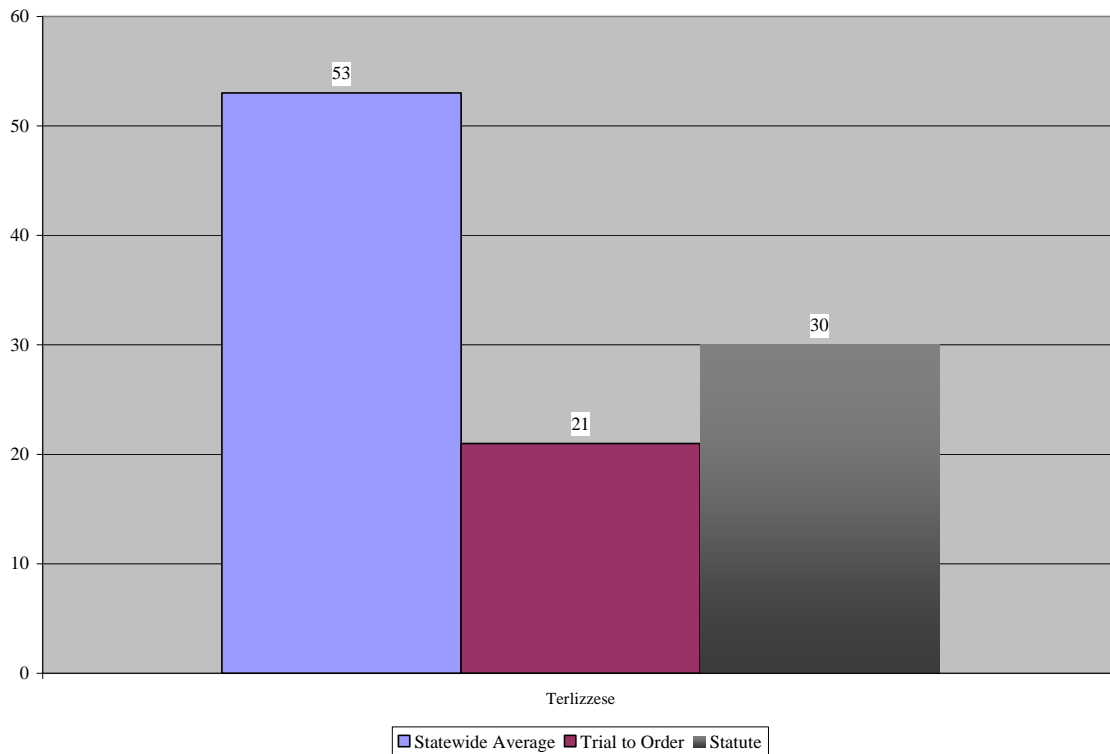
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



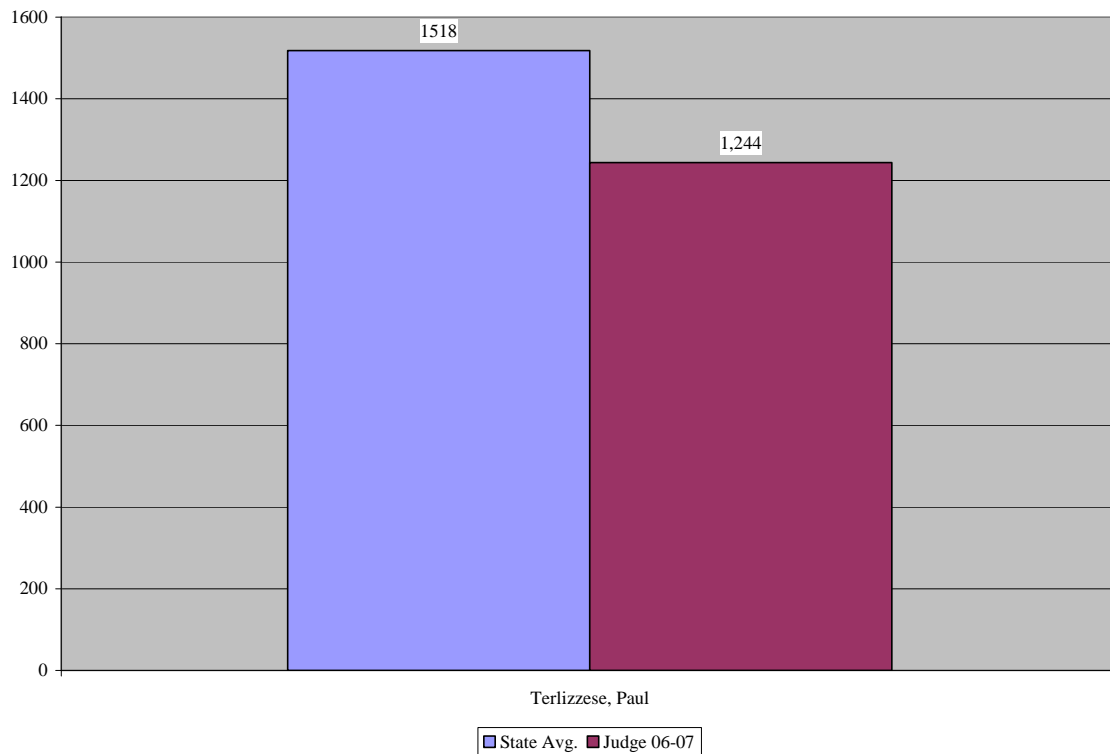
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



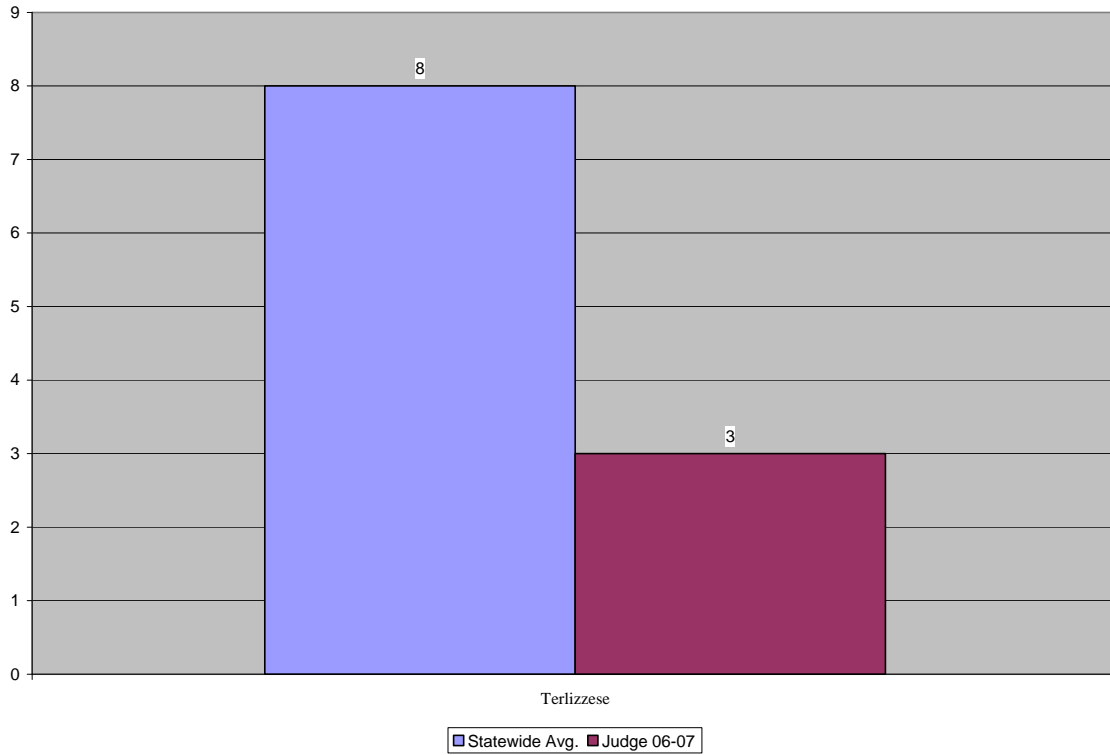
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



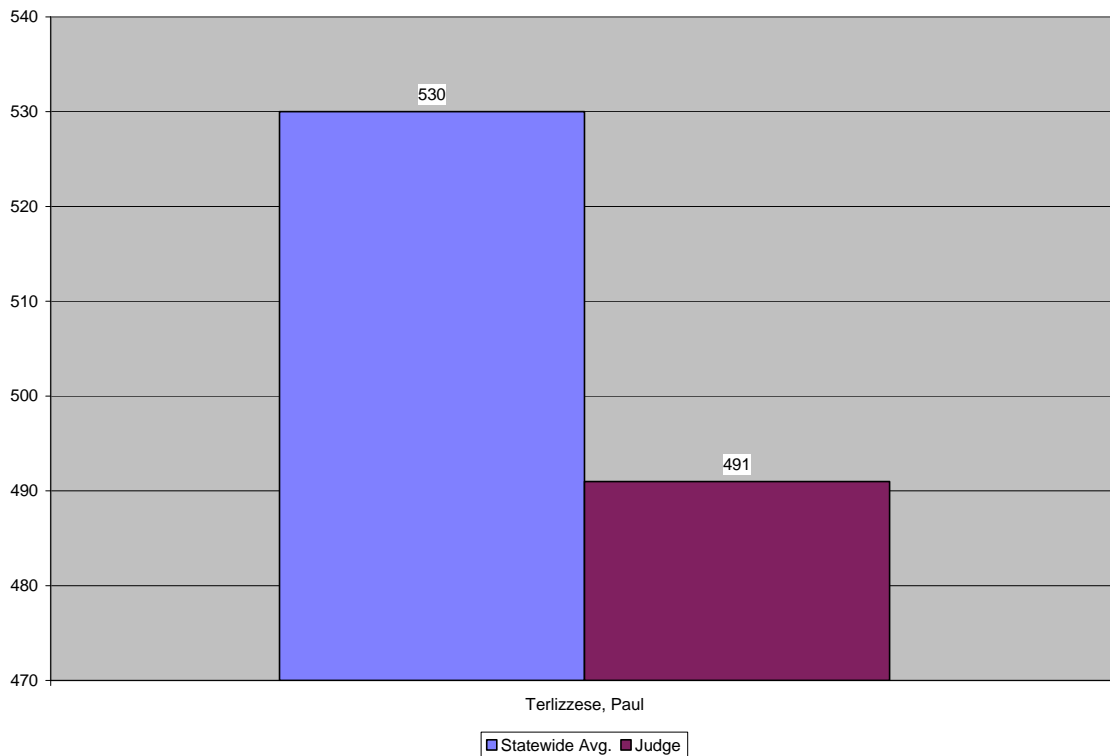
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



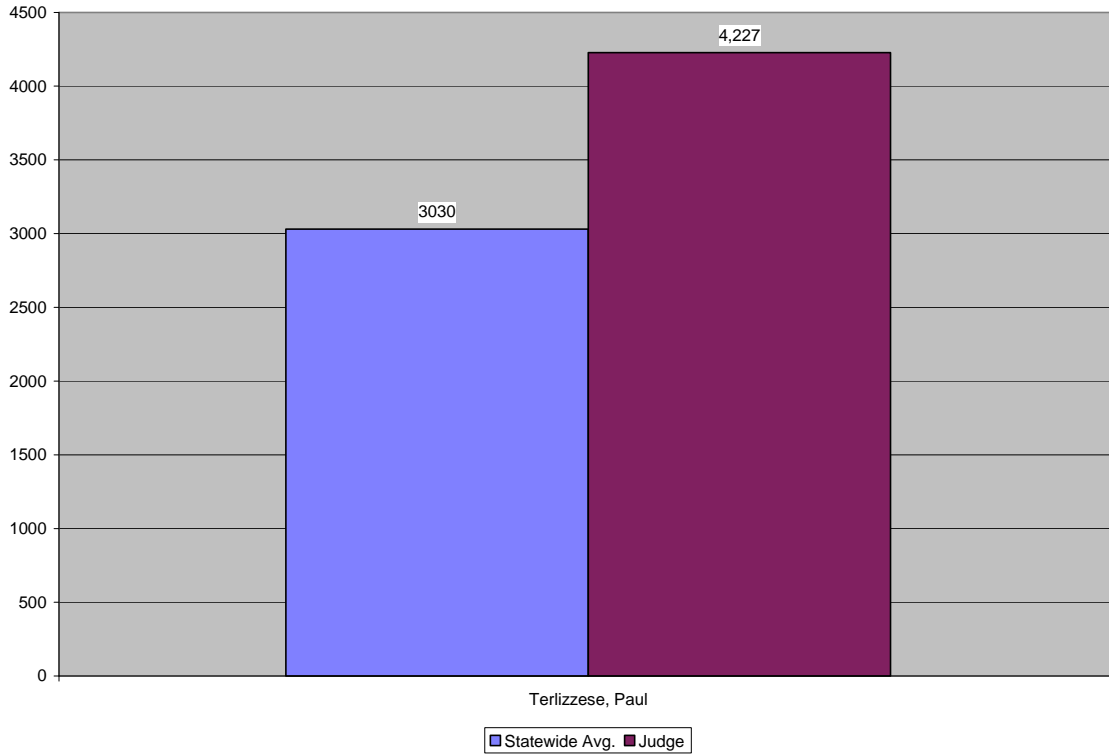
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



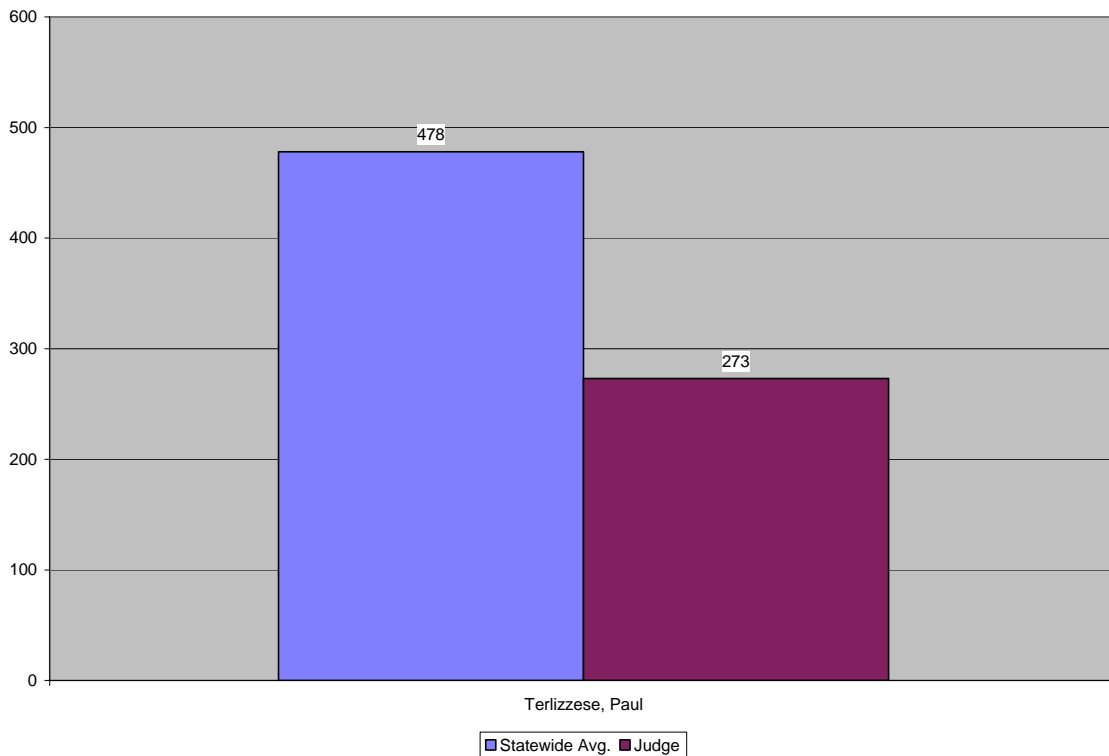
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

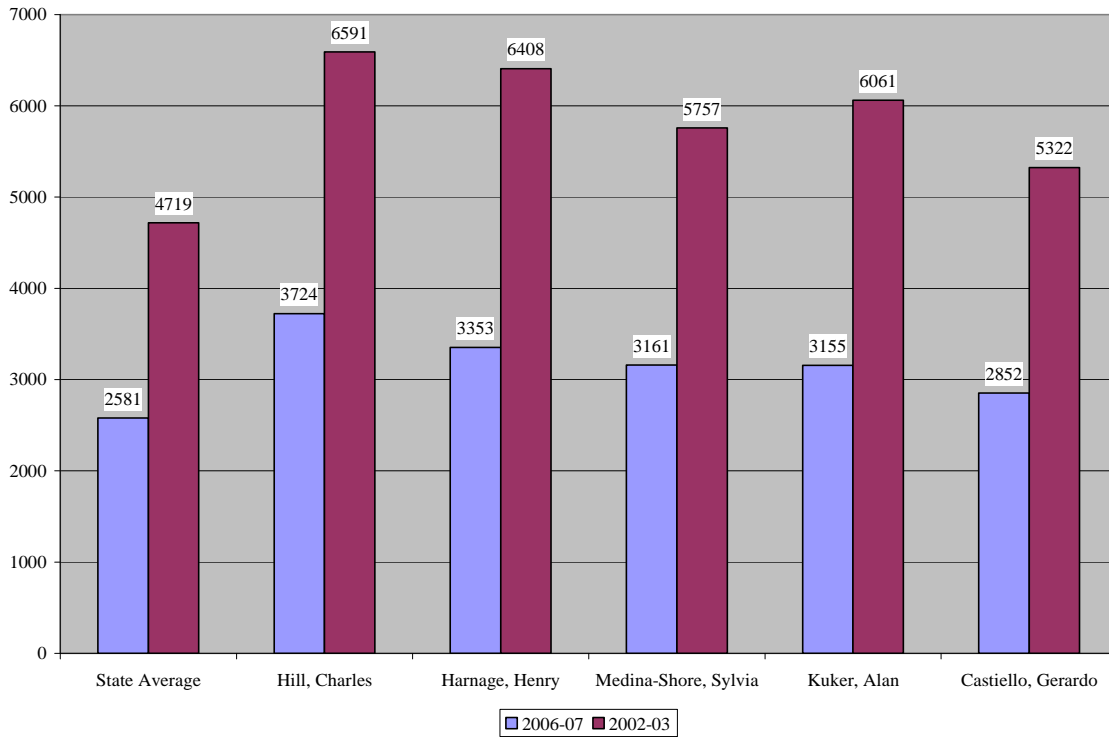


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

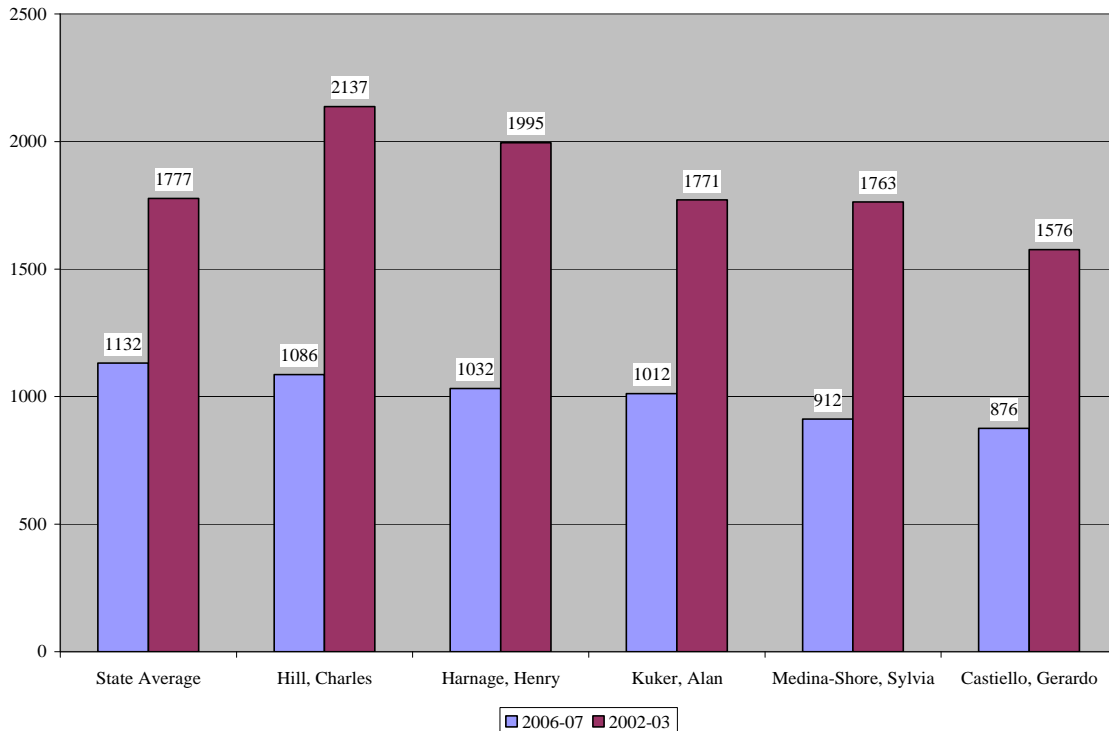


Appendix “10” District MIA (JCC Castiello, JCC Harnage, JCC Hill, JCC Kuker, JCC Medina-Shore):

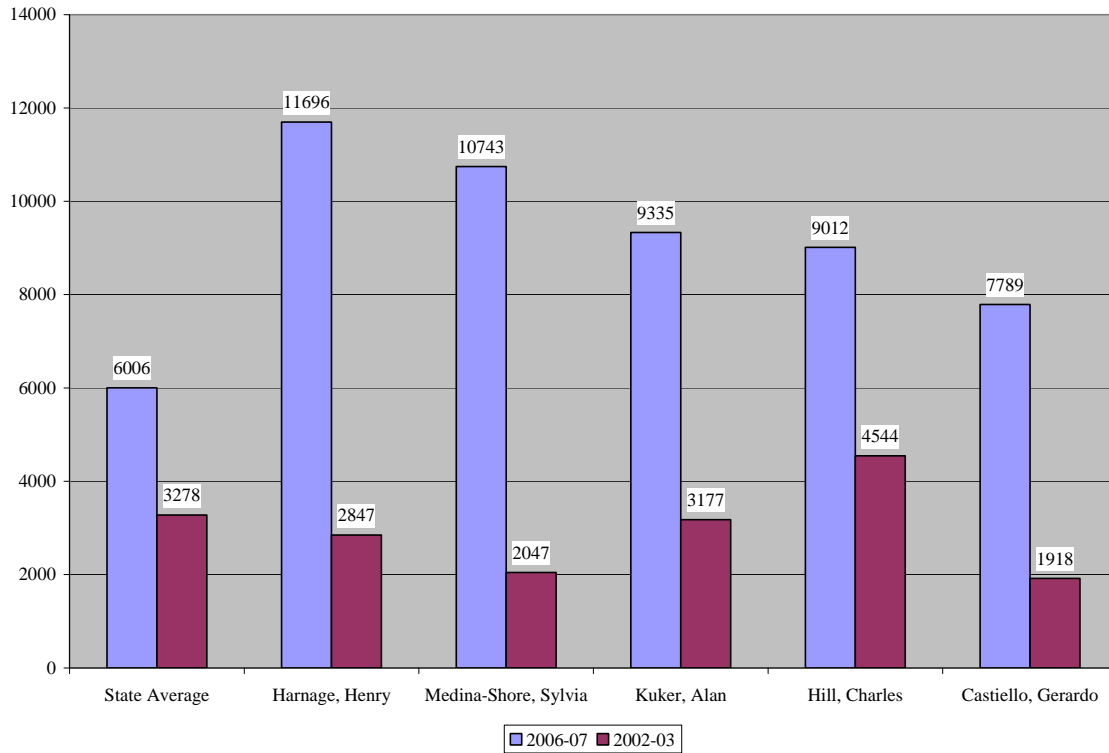
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



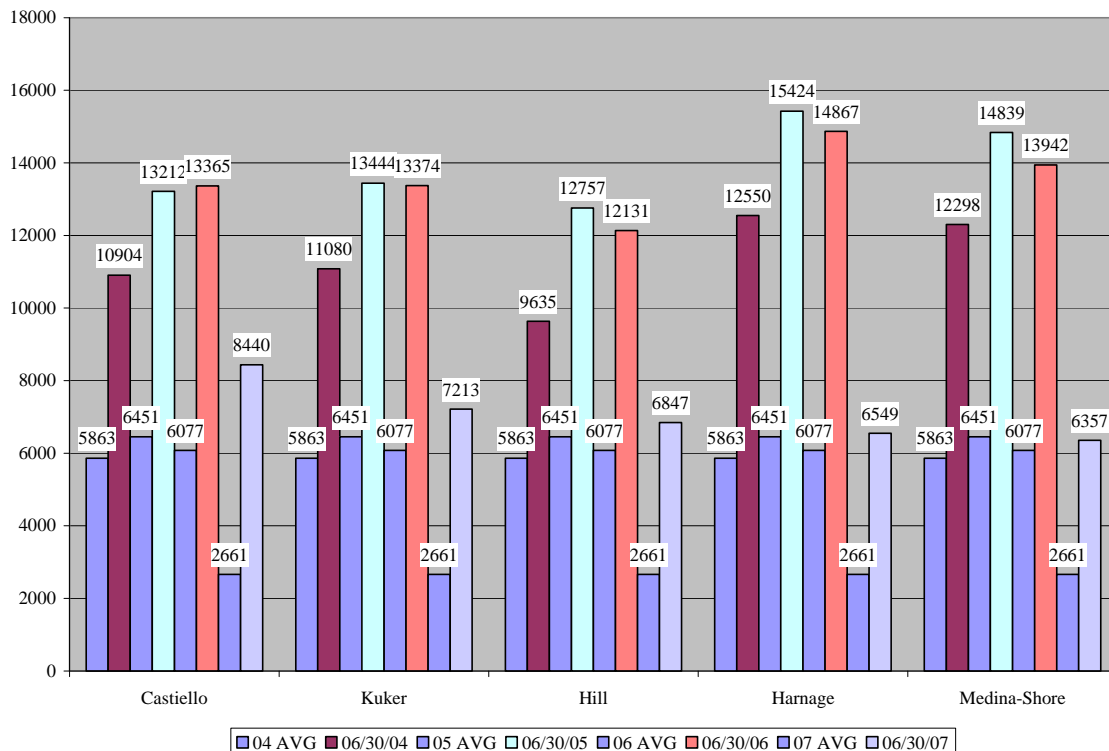
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



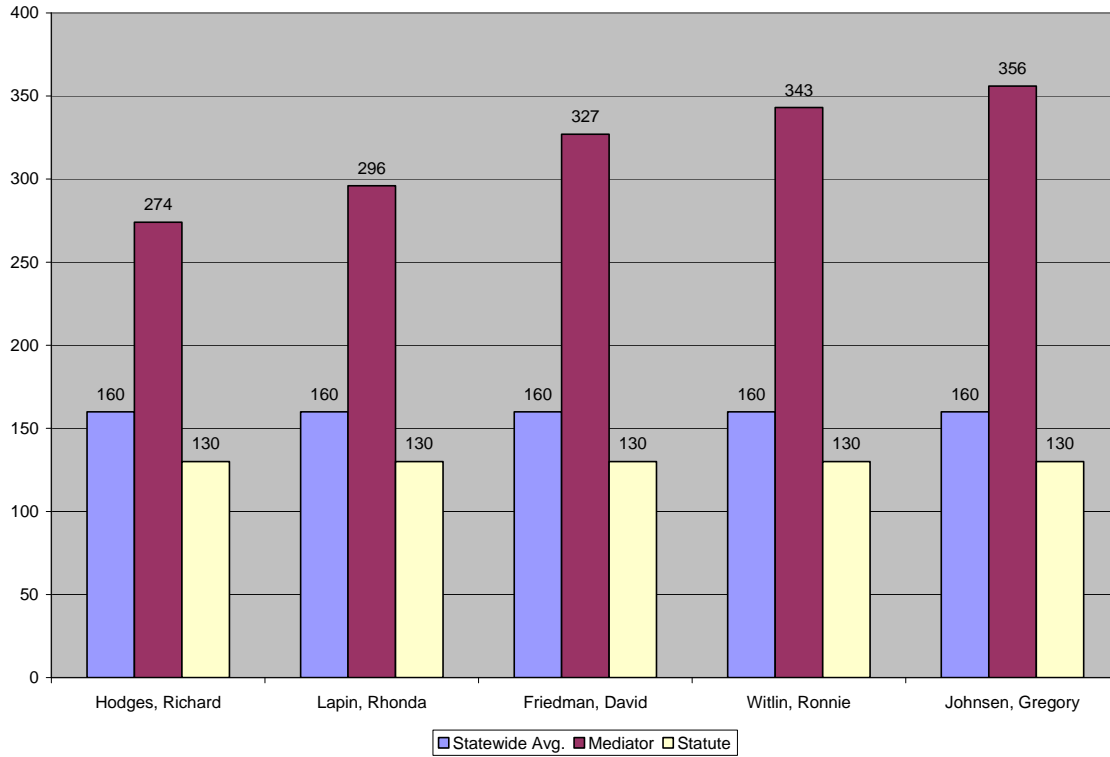
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



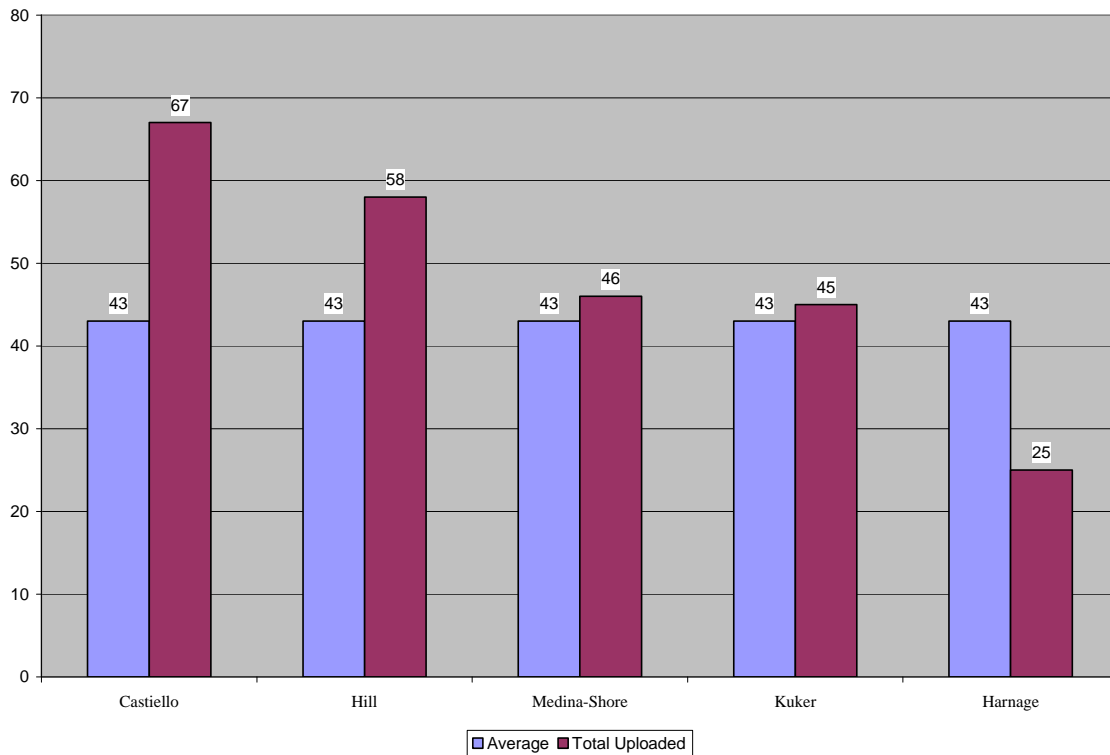
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



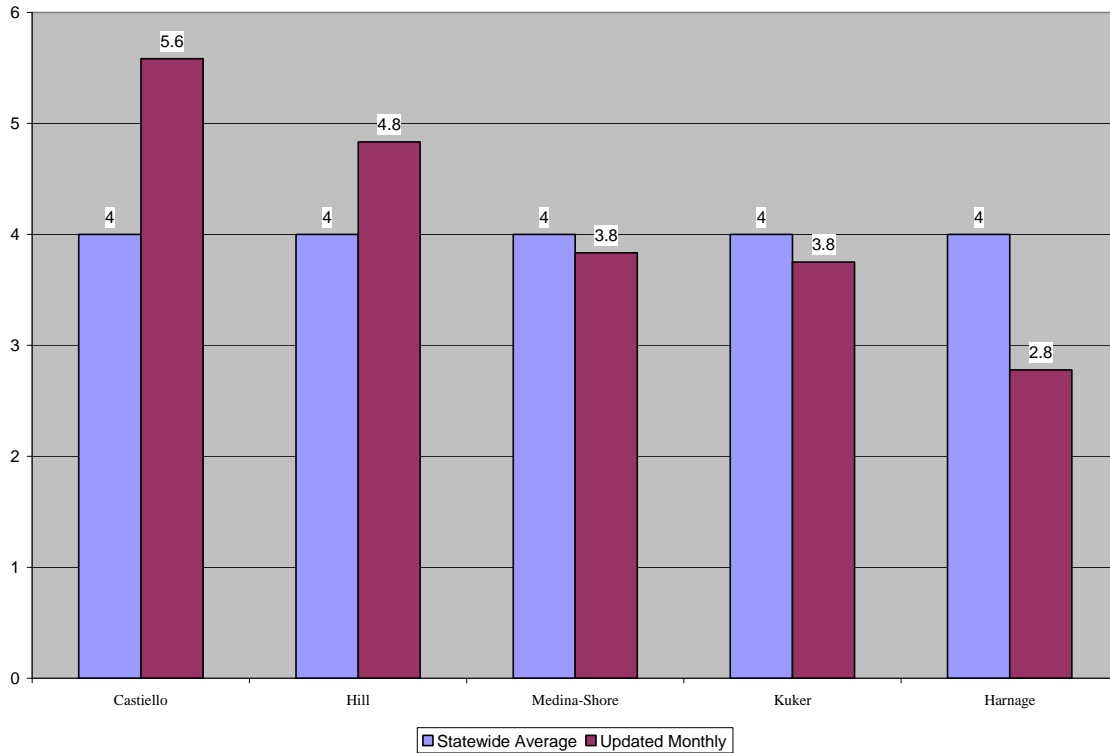
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



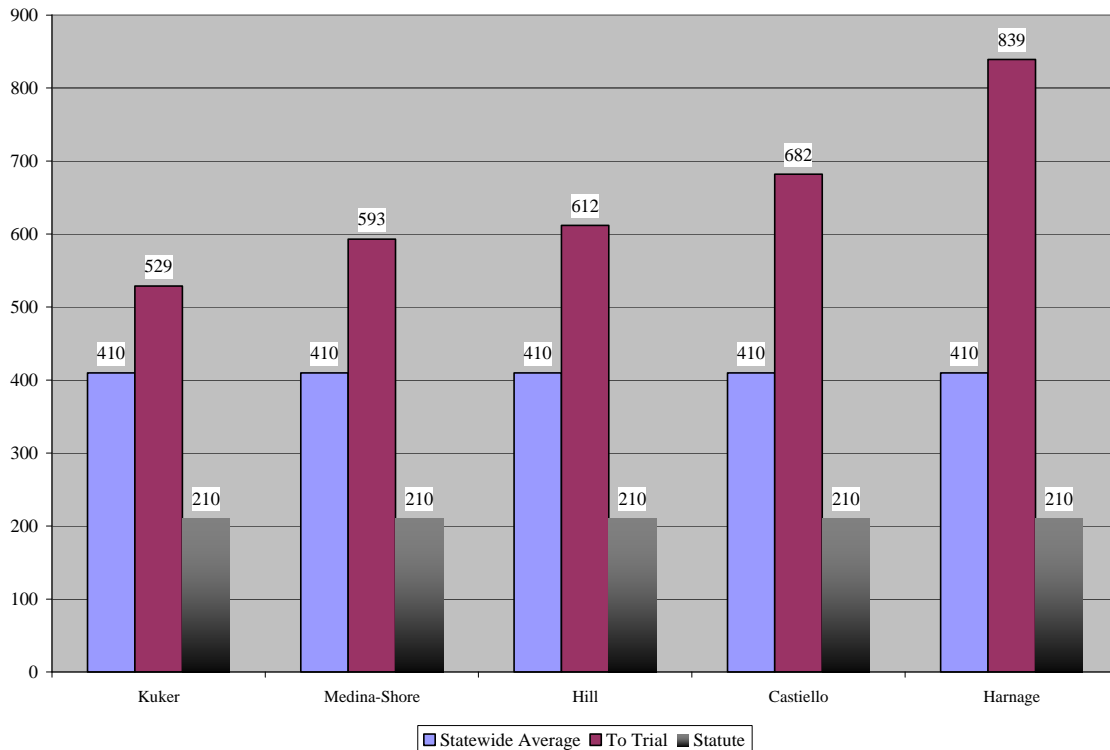
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



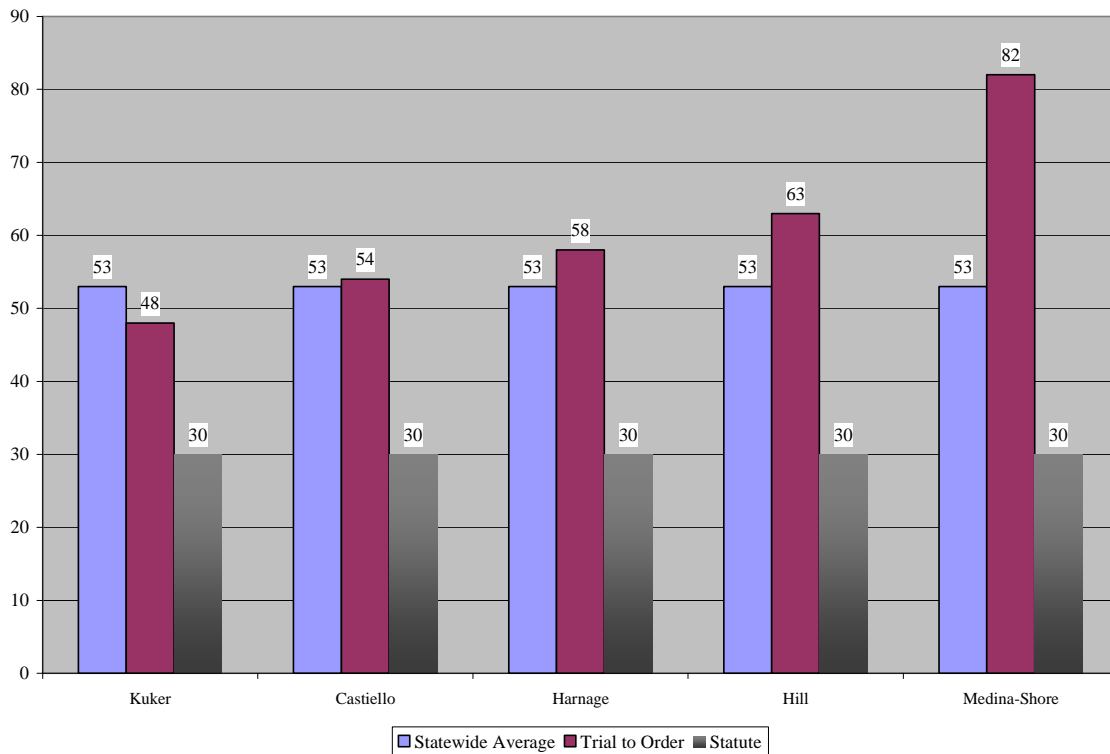
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



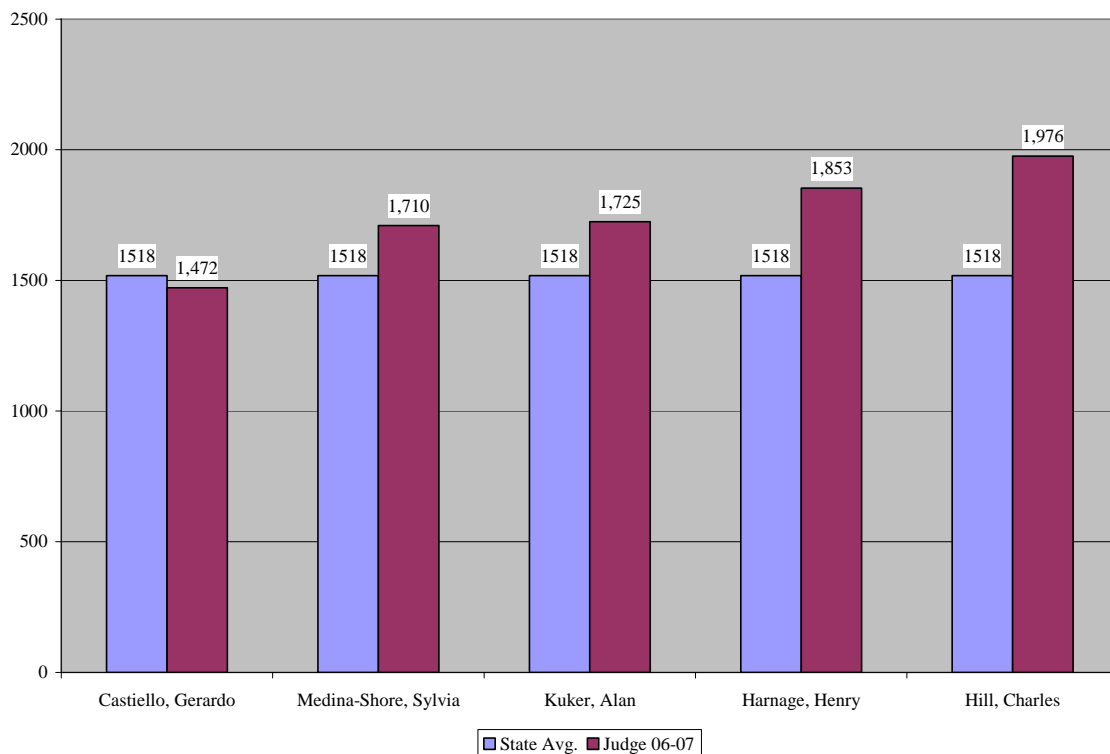
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



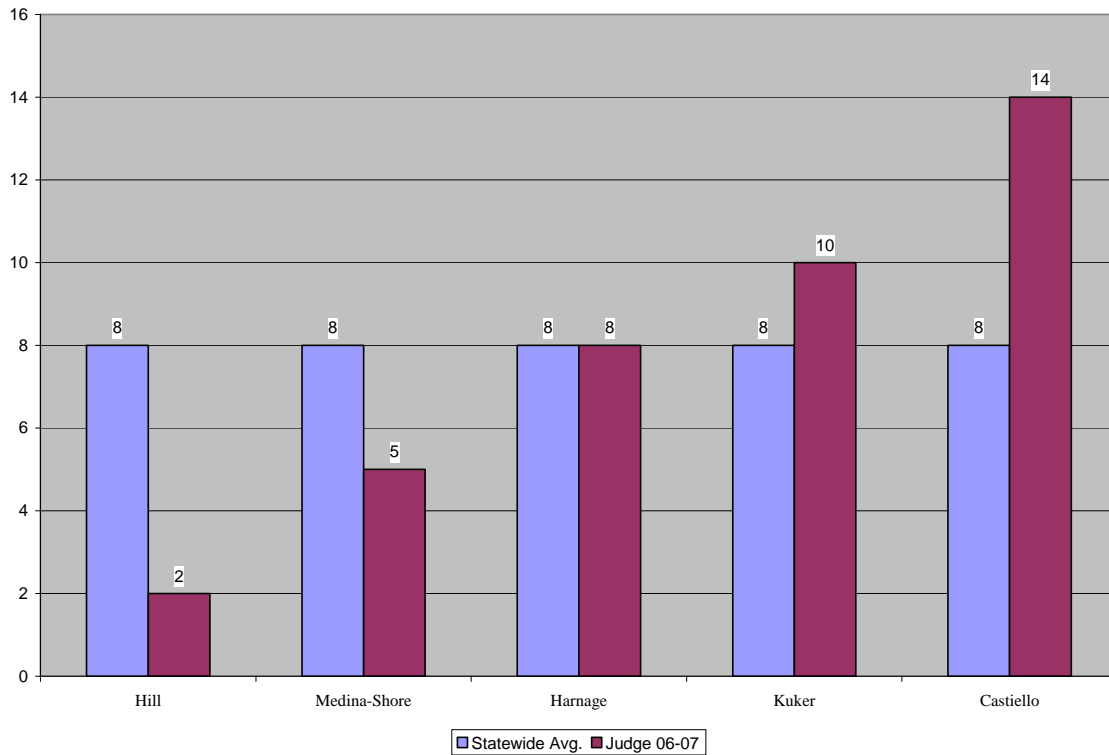
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



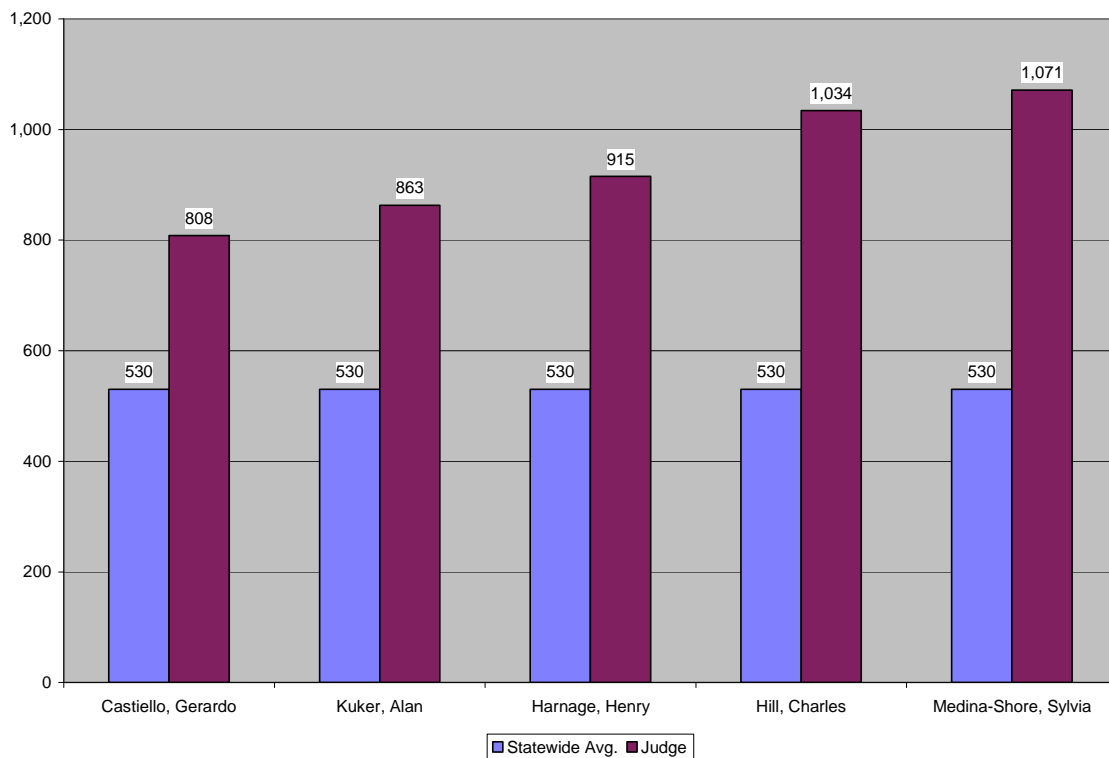
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



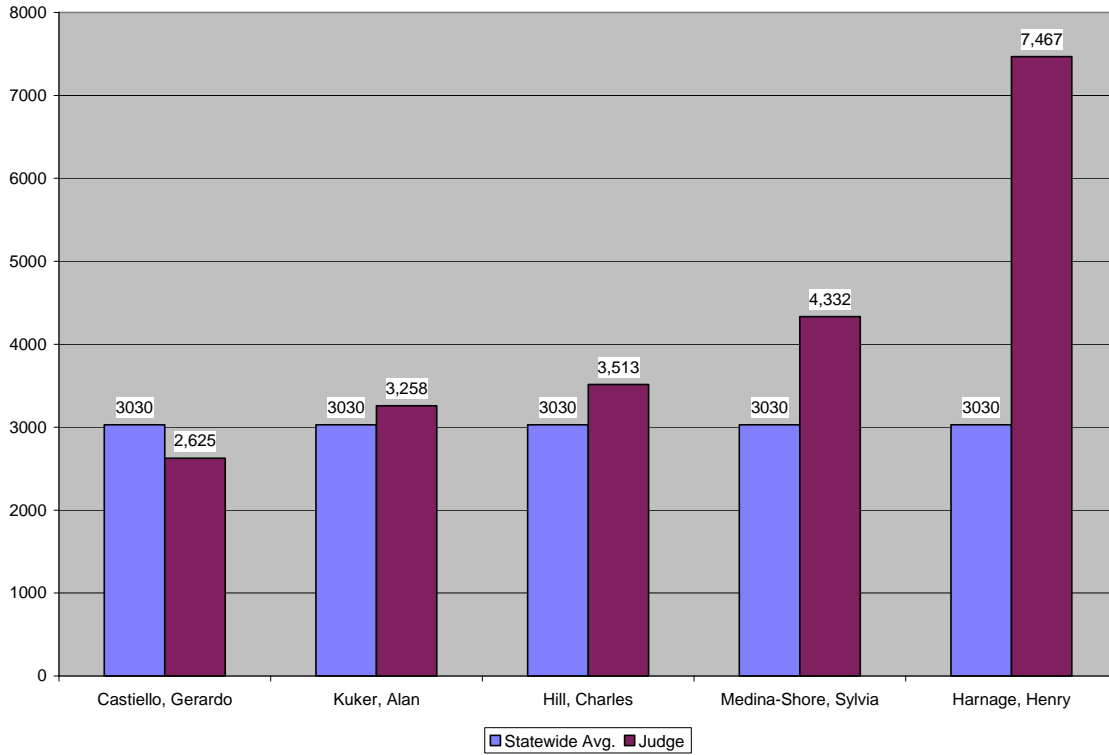
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



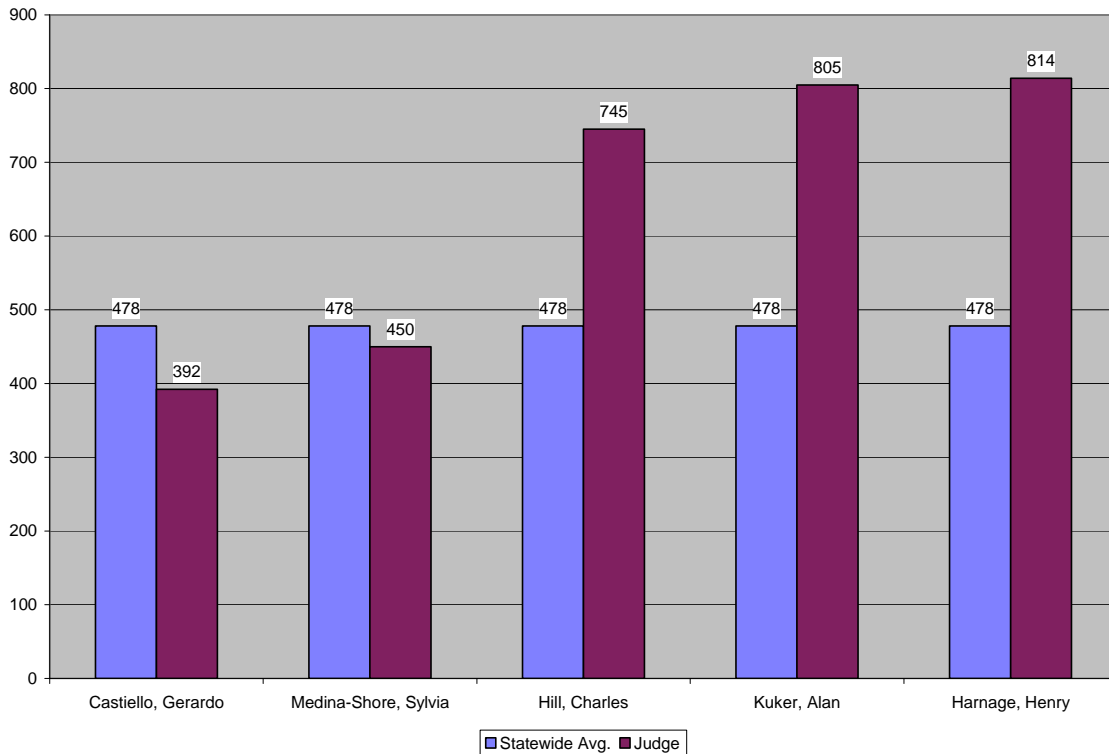
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

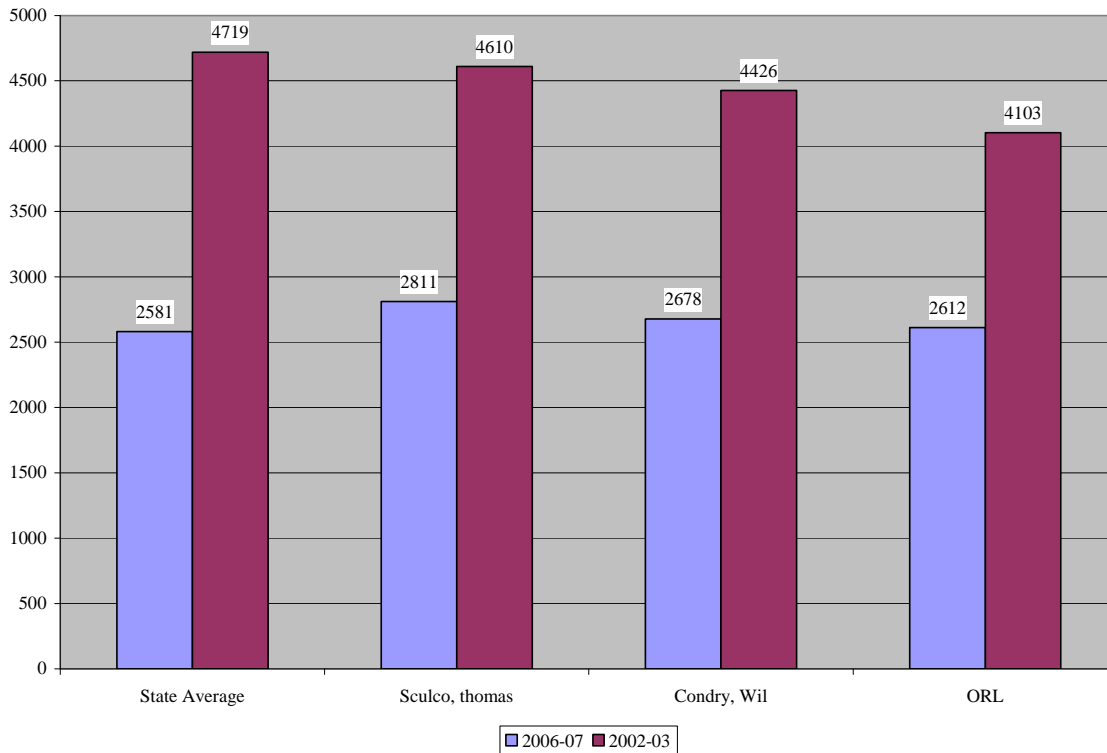


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

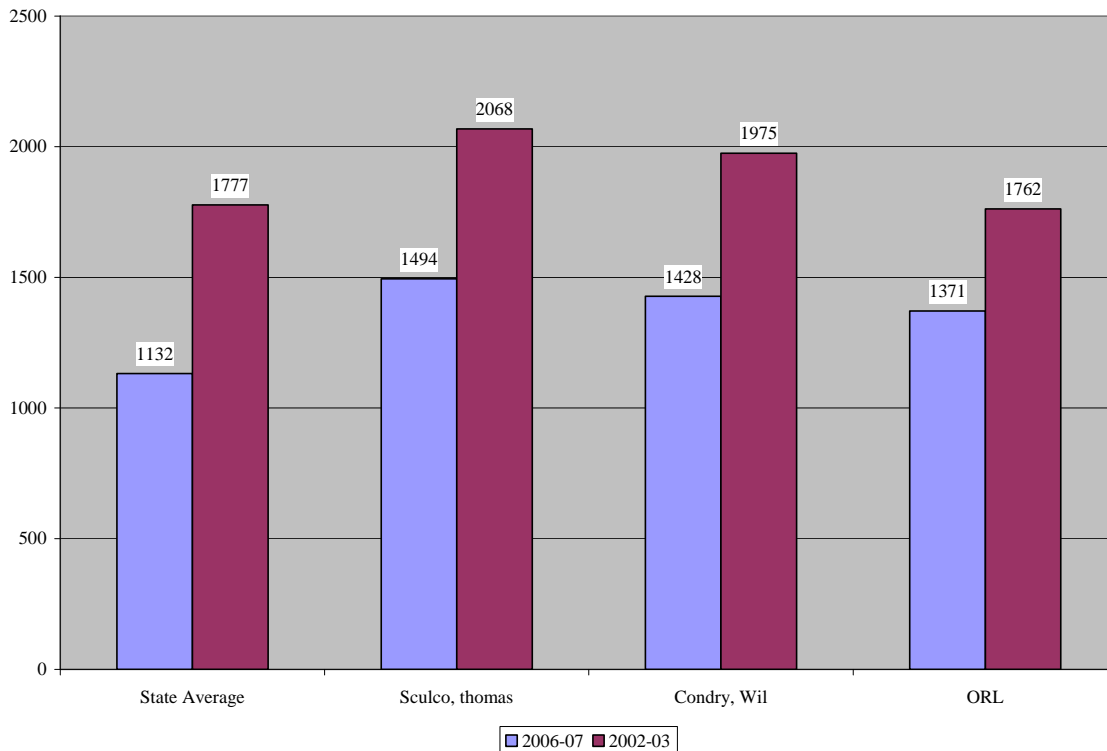


Appendix “11” District ORL (JCC Condry, JCC Sculco, JCC ORL):

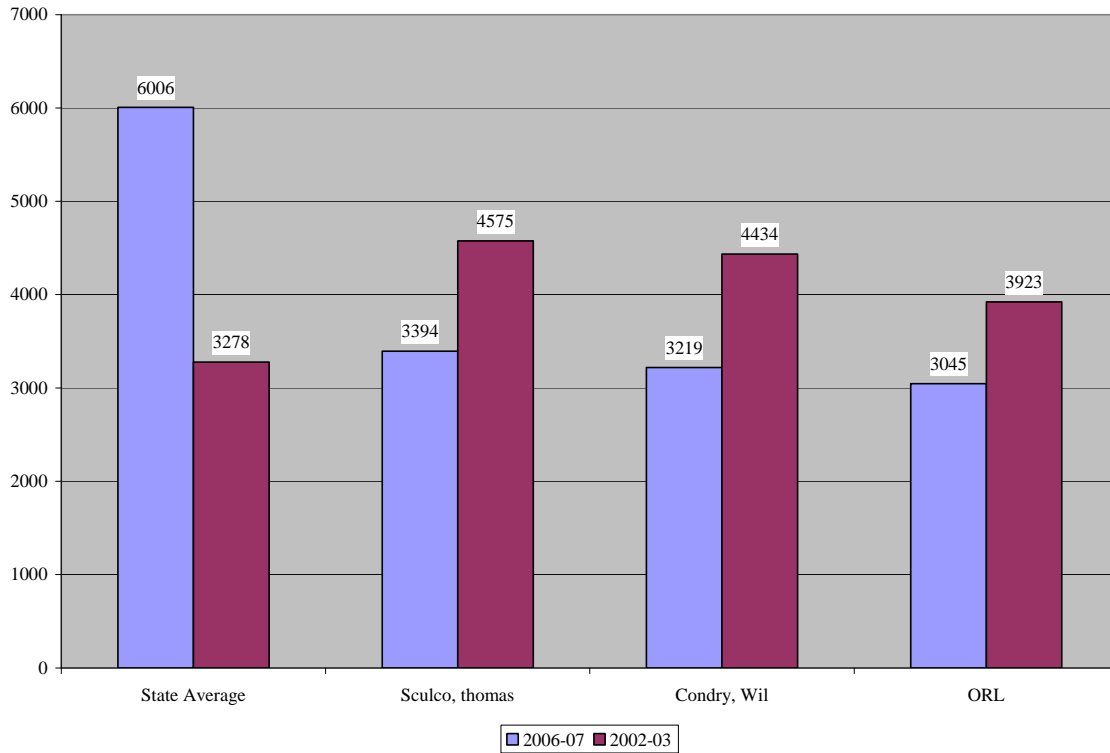
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



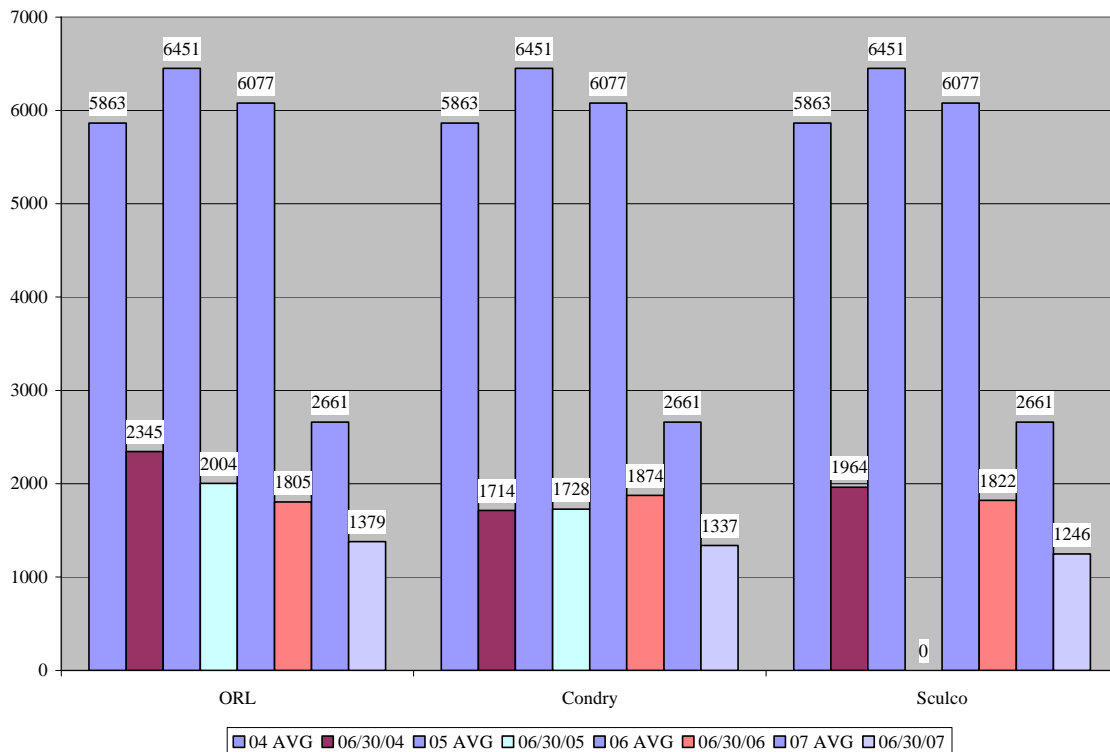
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



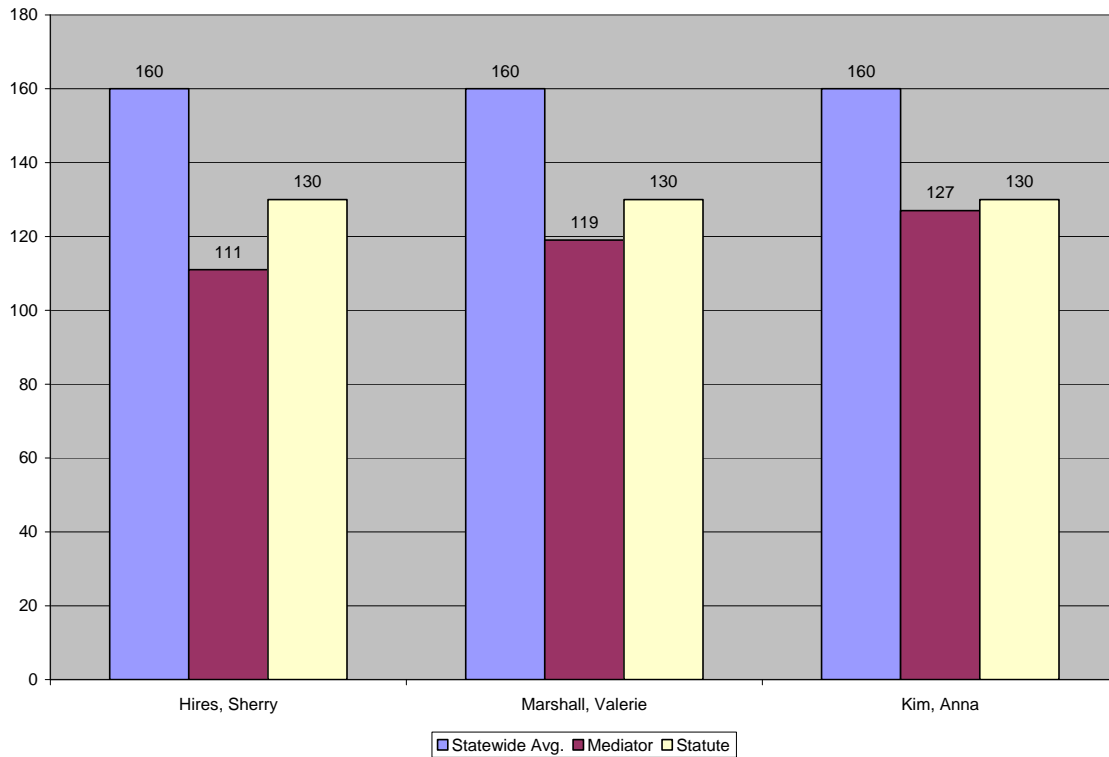
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



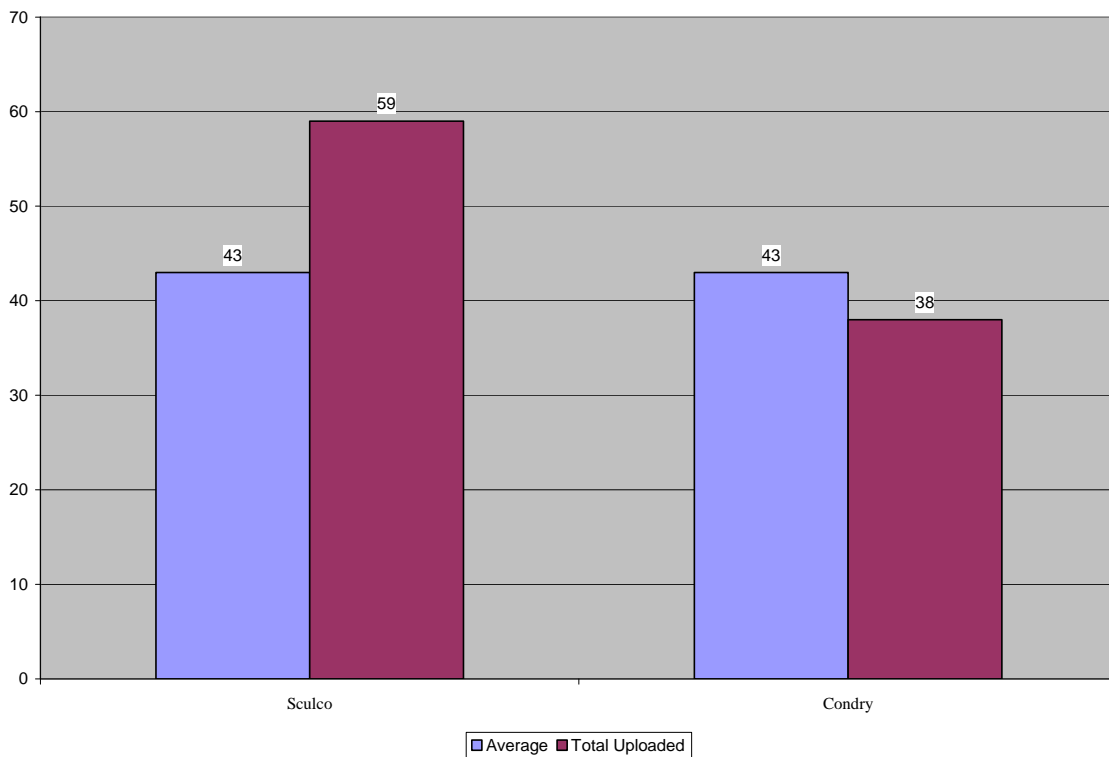
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



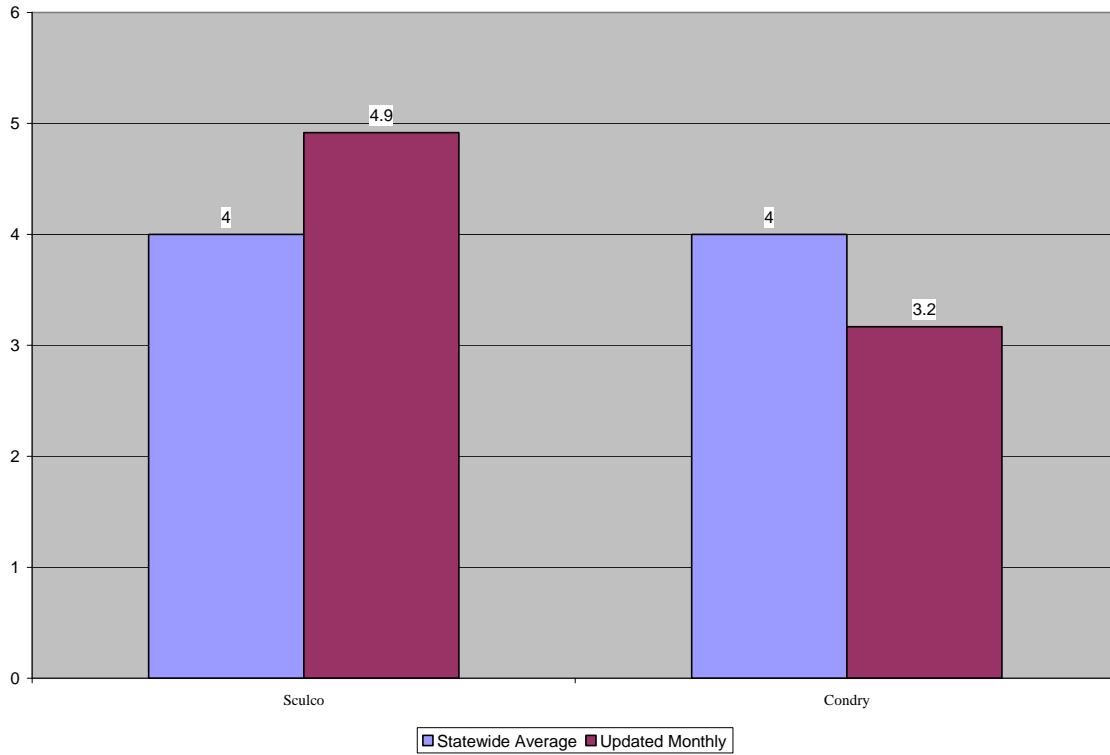
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



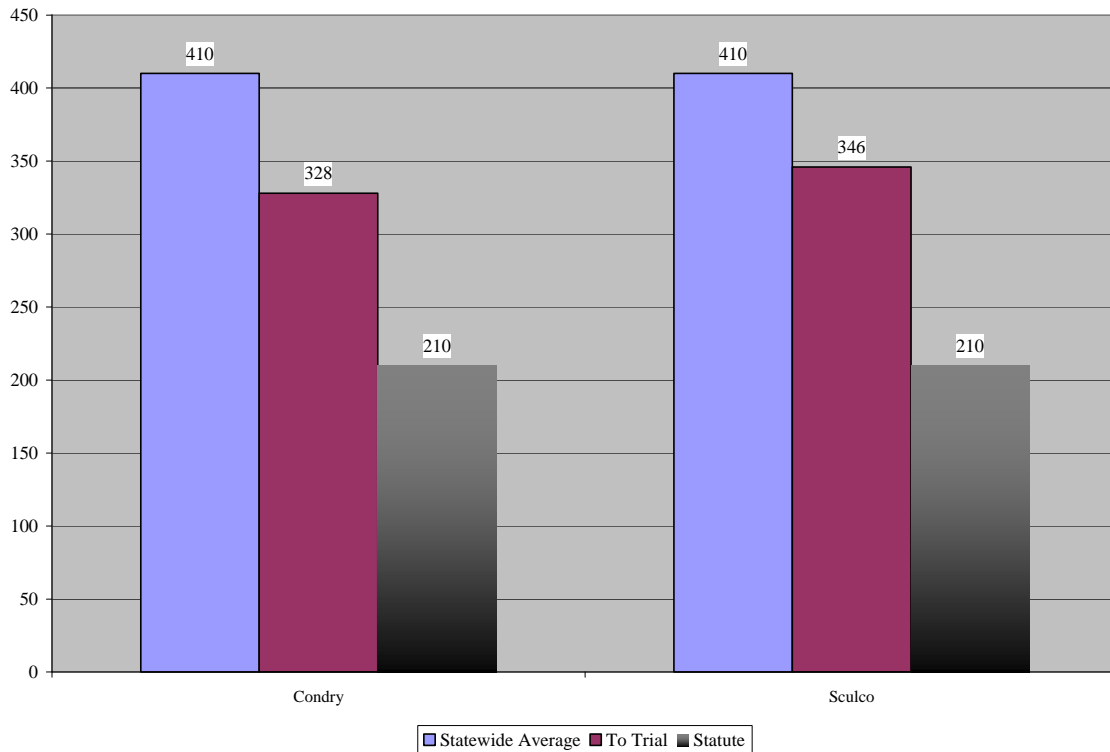
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



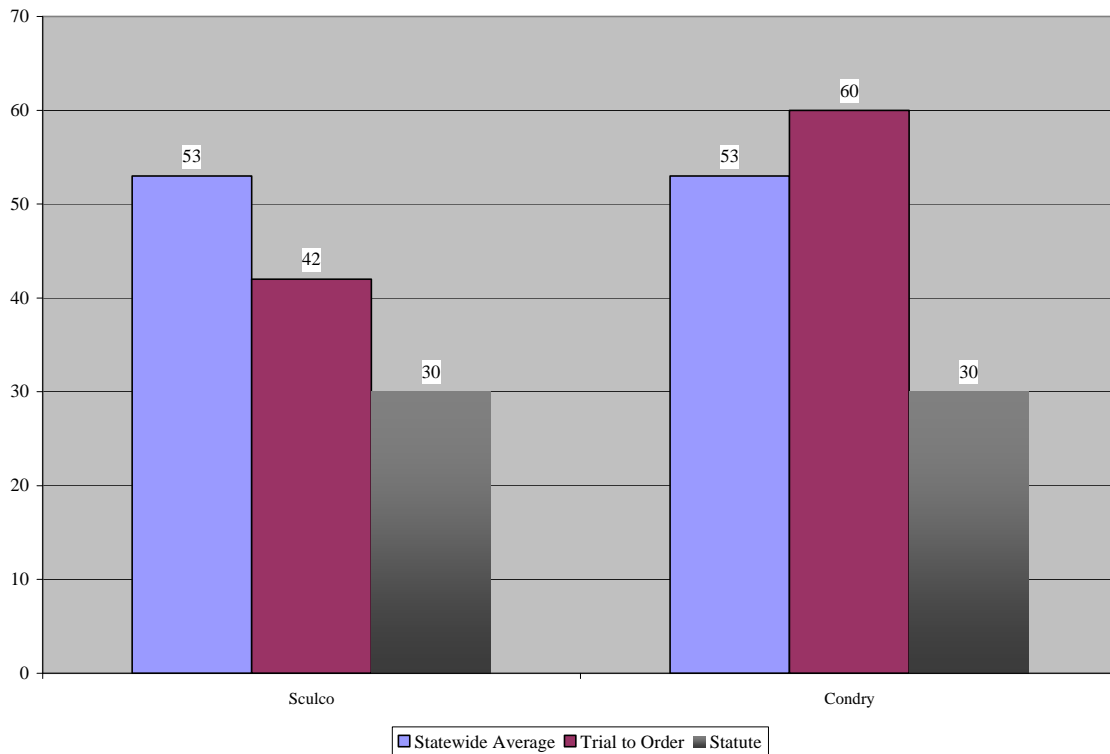
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



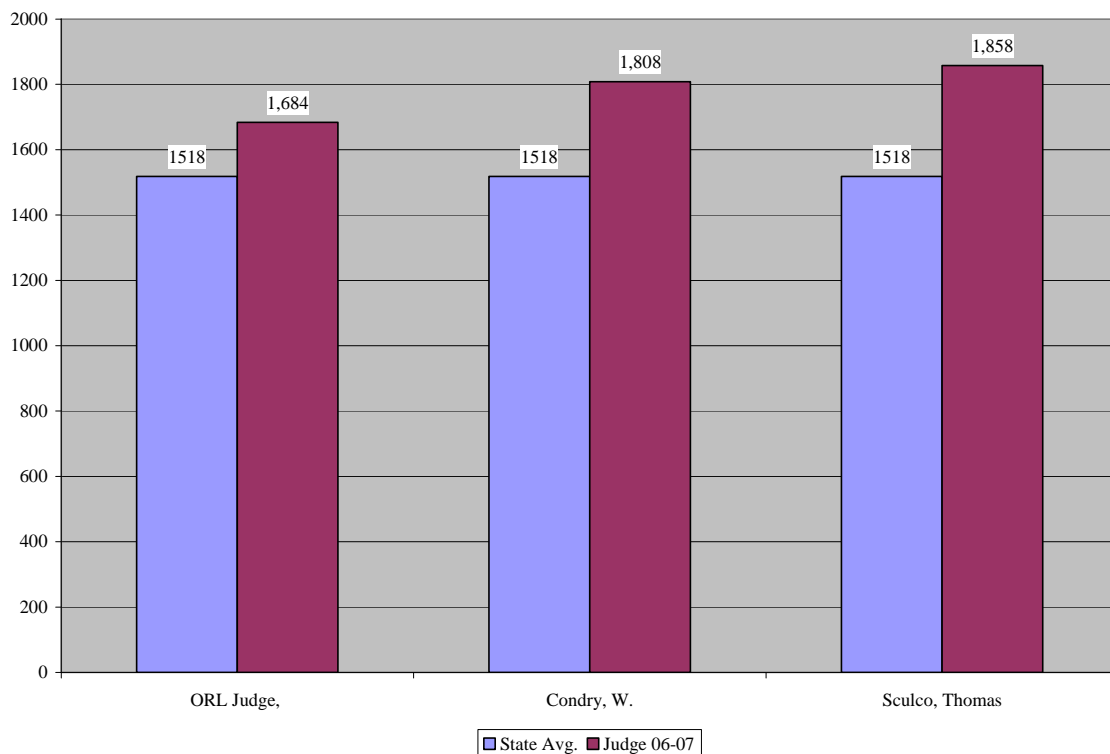
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



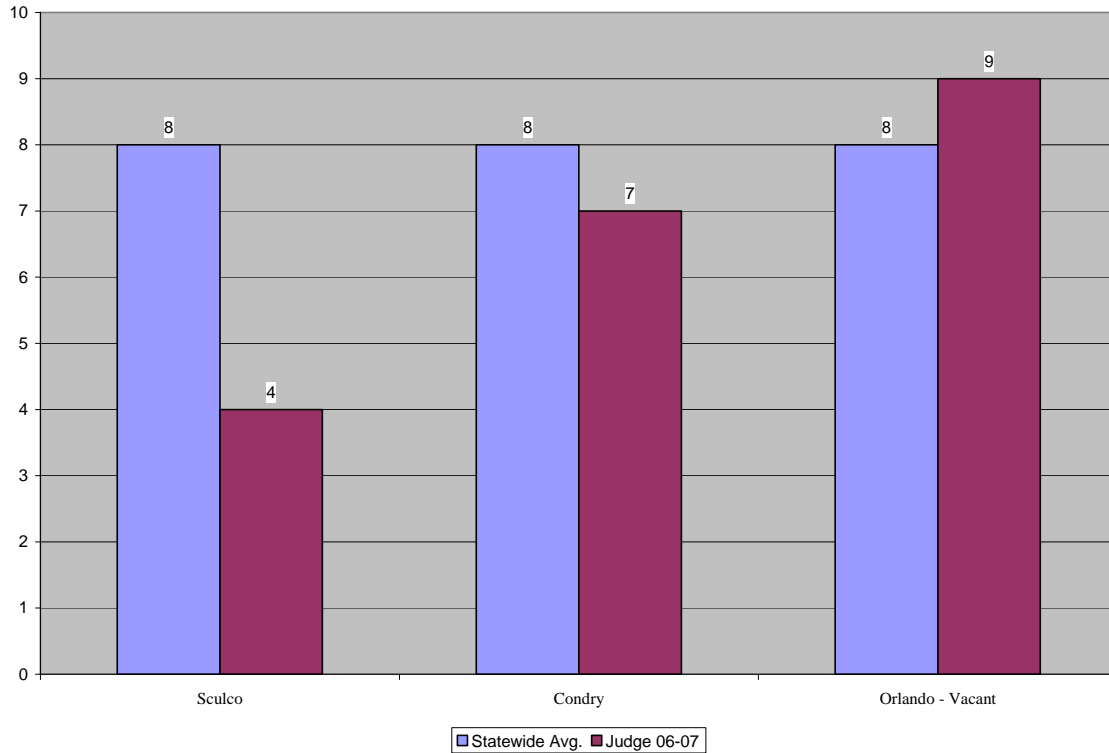
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



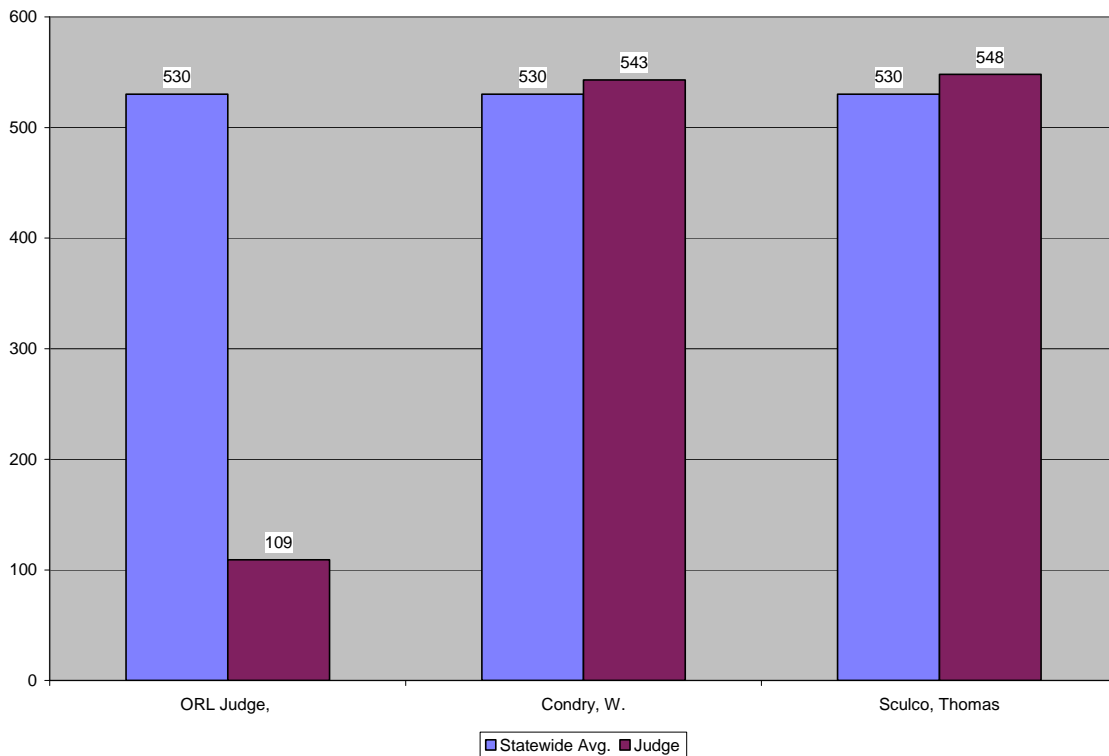
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



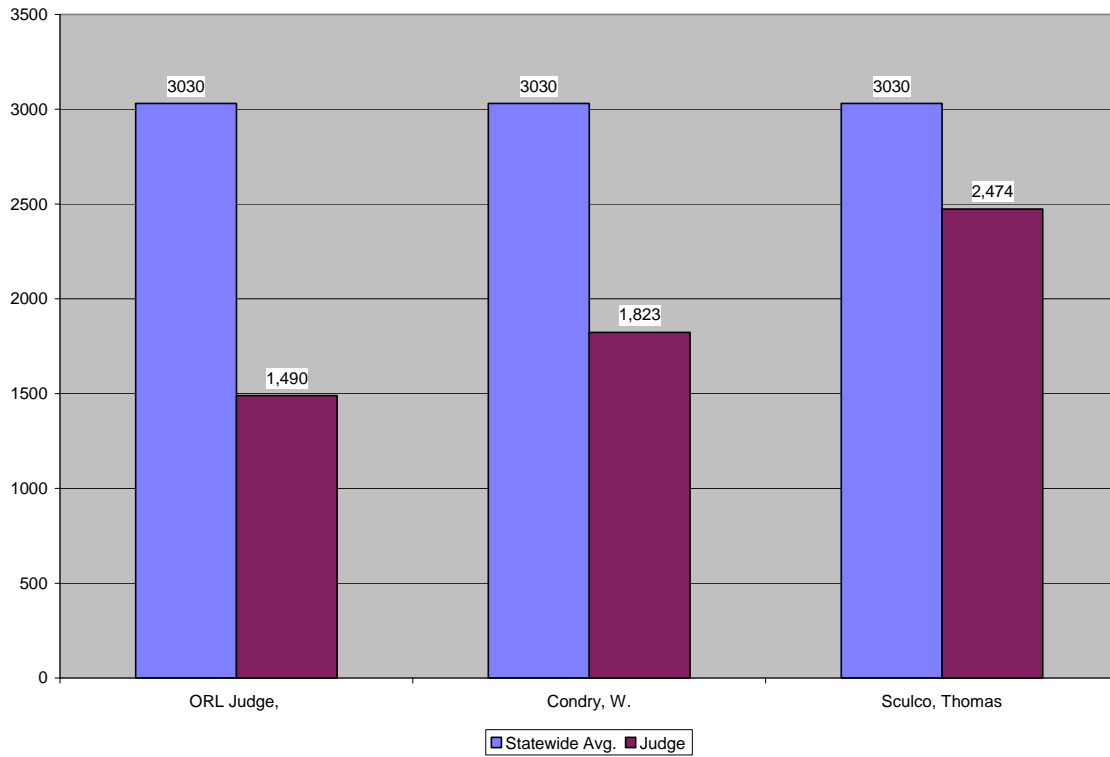
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



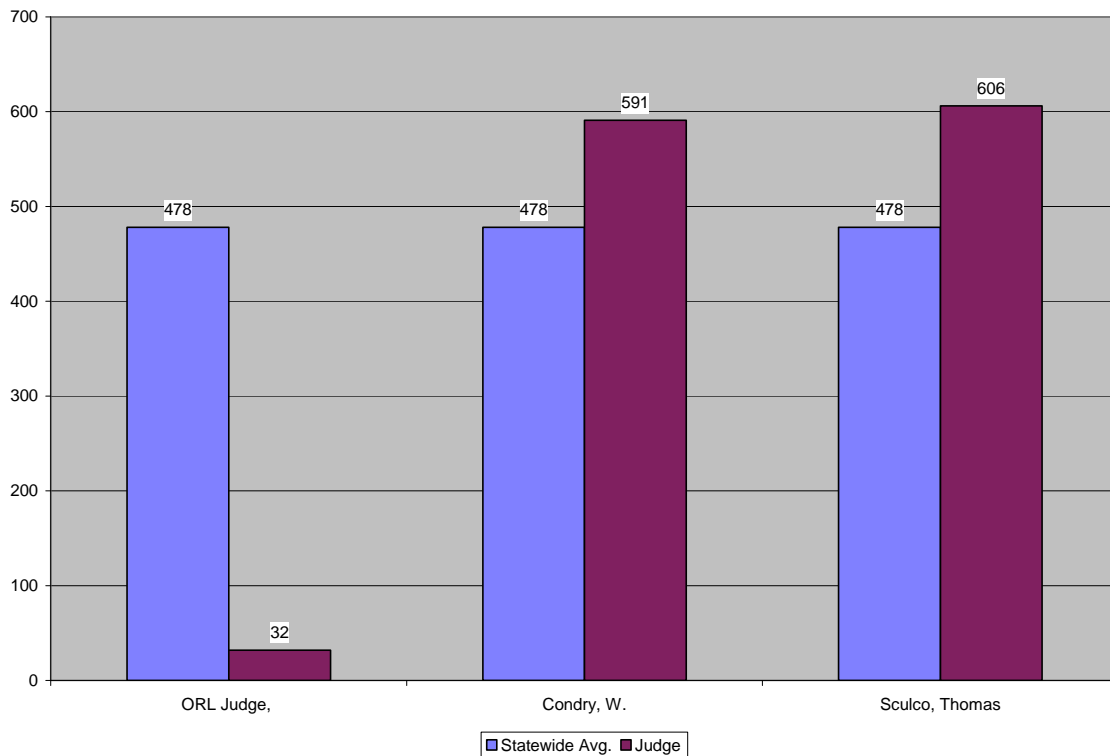
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

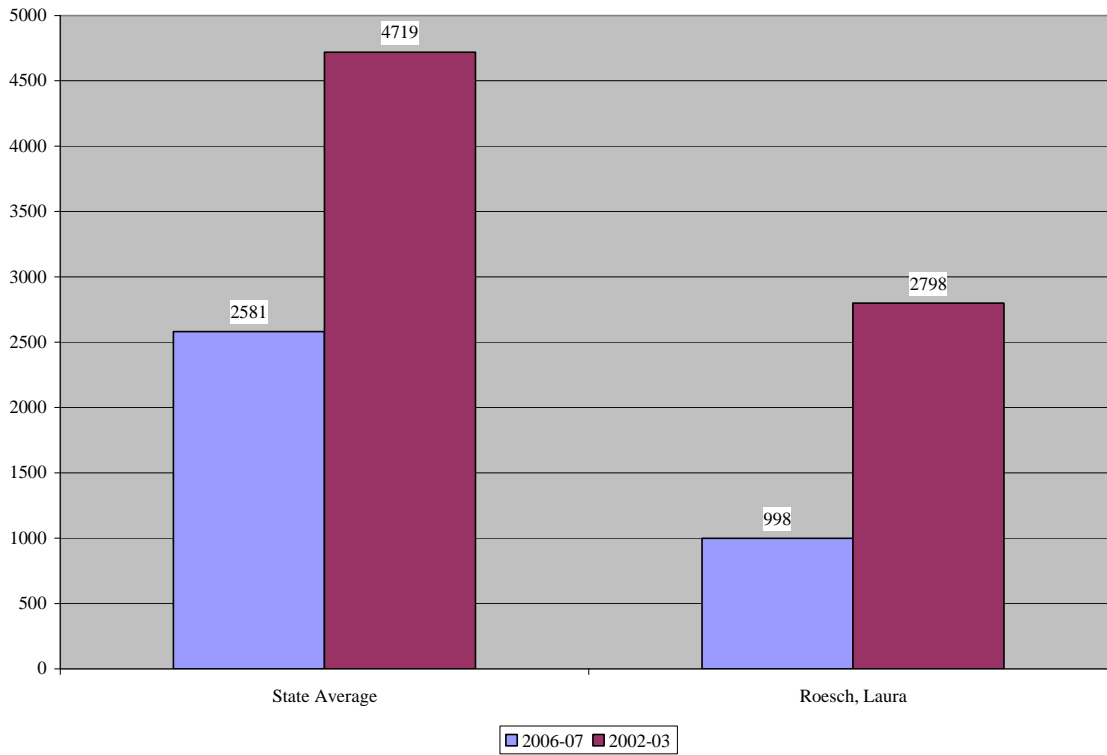


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

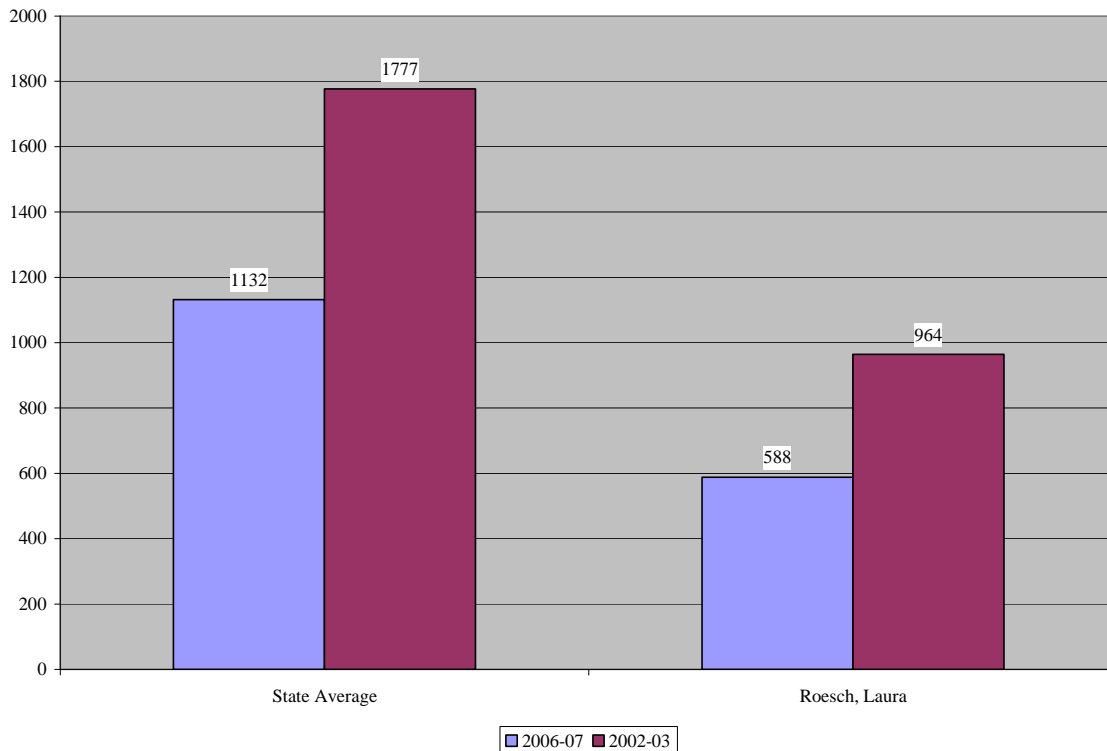


Appendix “12” District PMC (JCC Roesch):

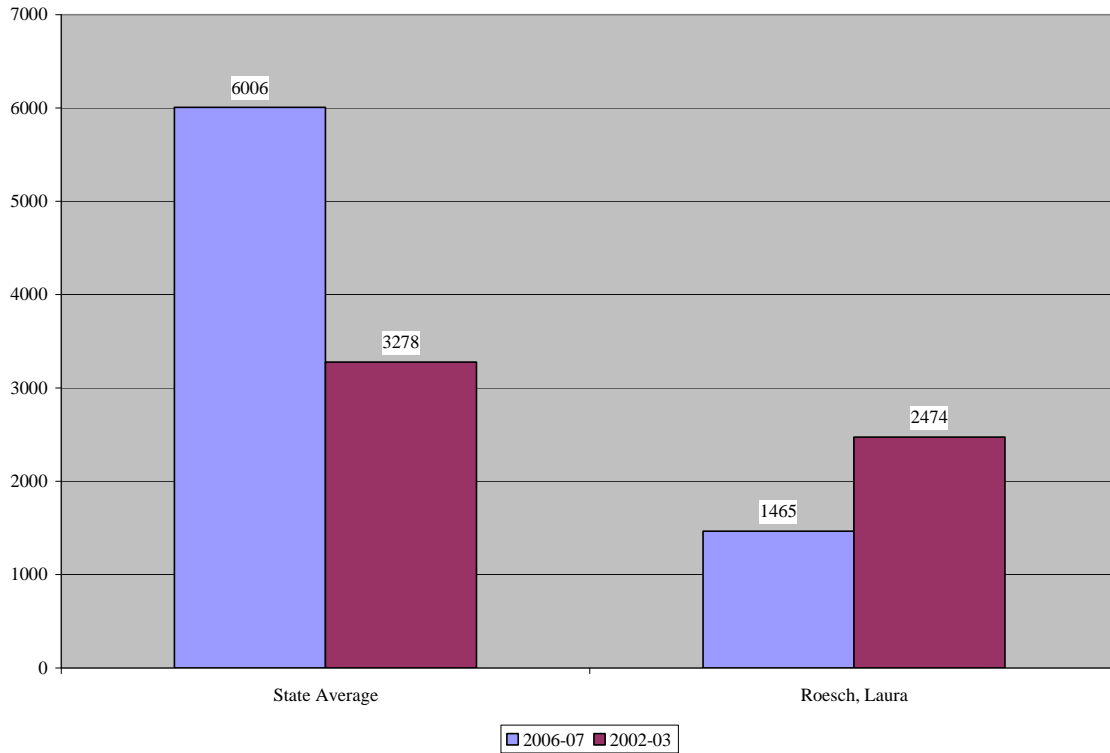
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



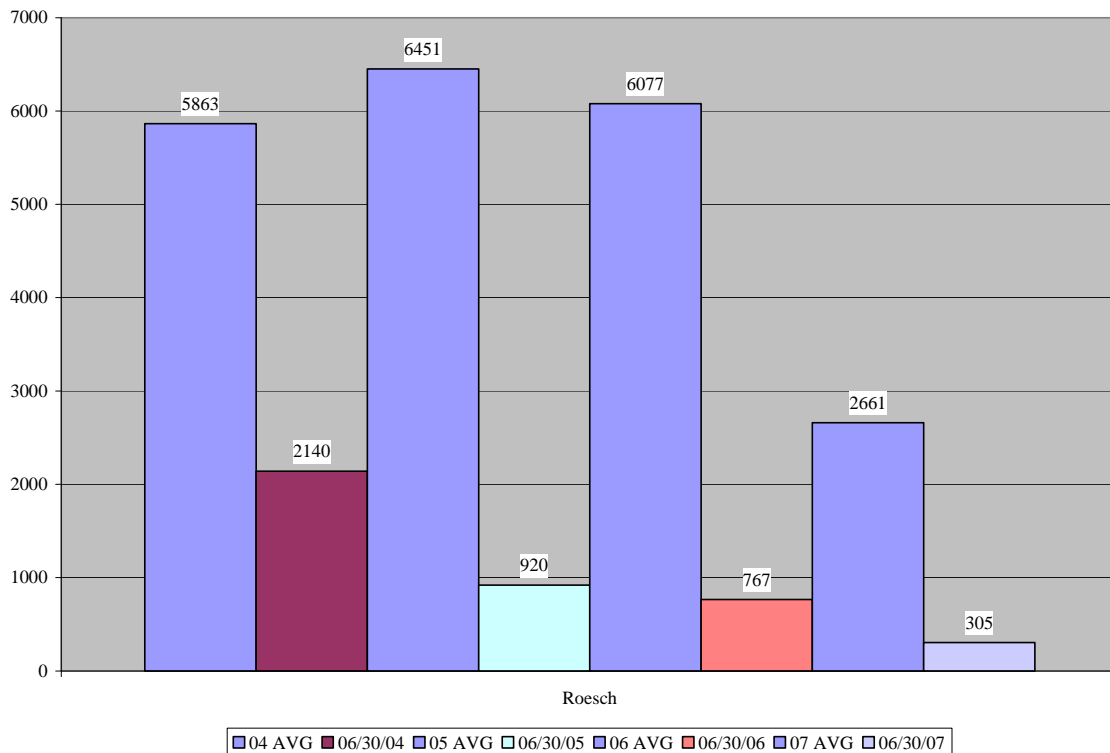
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



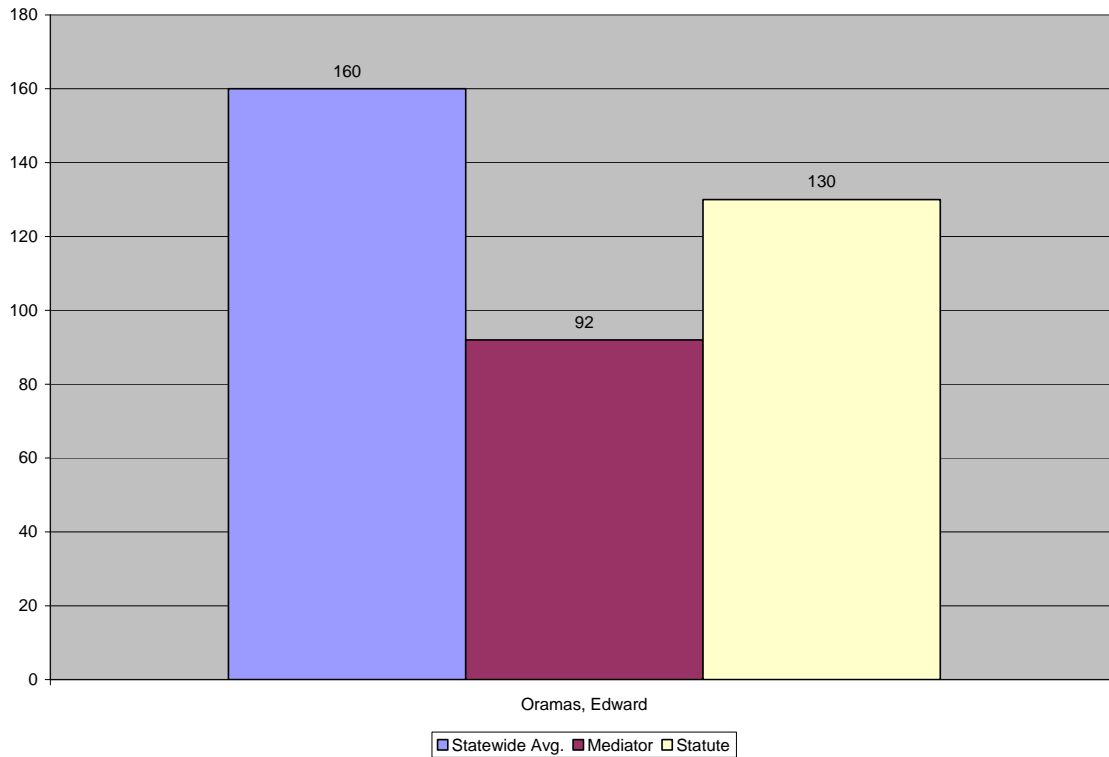
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



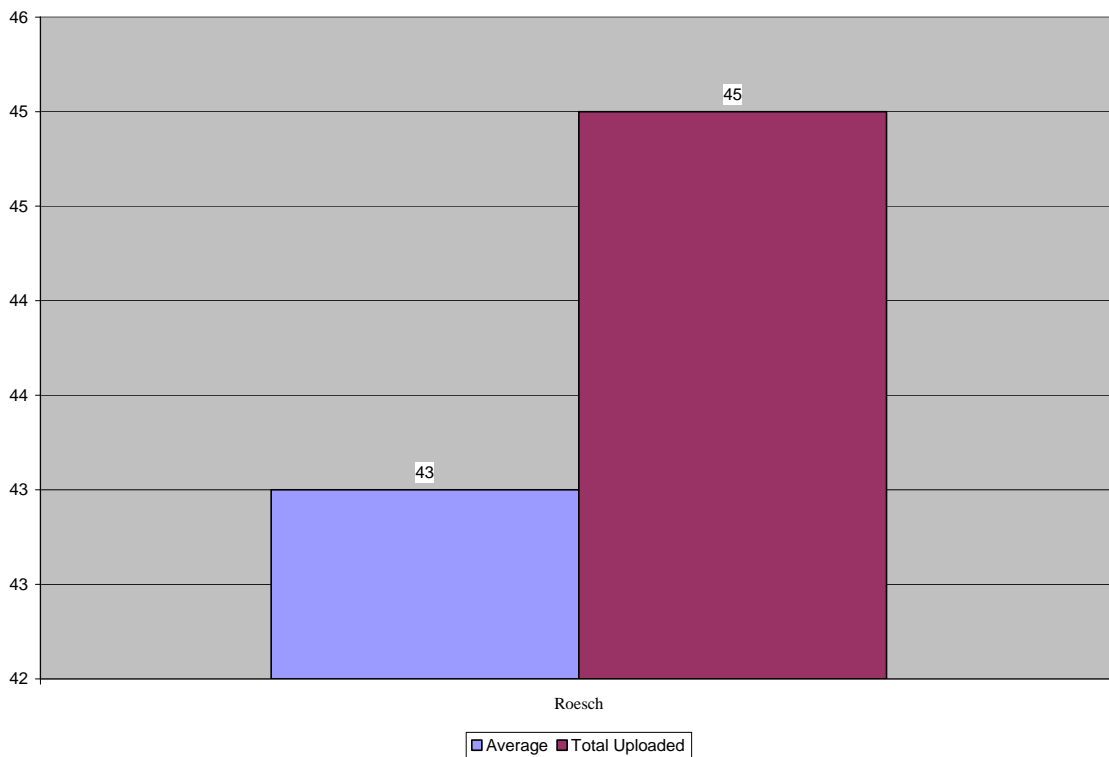
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



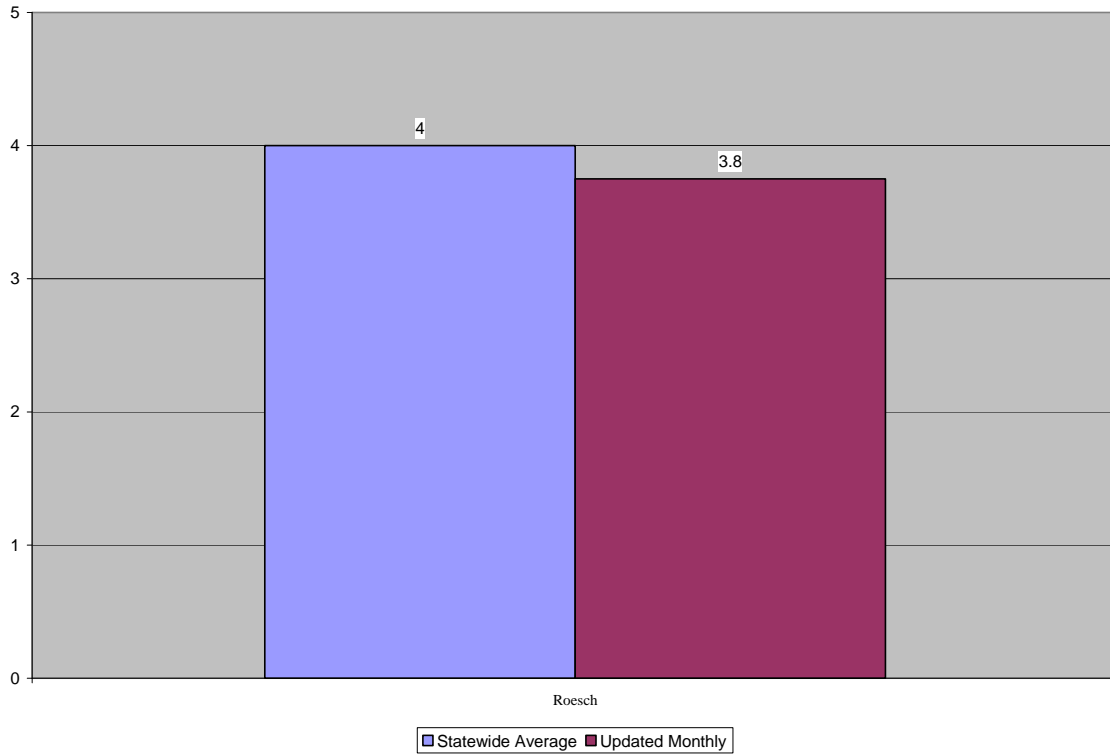
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



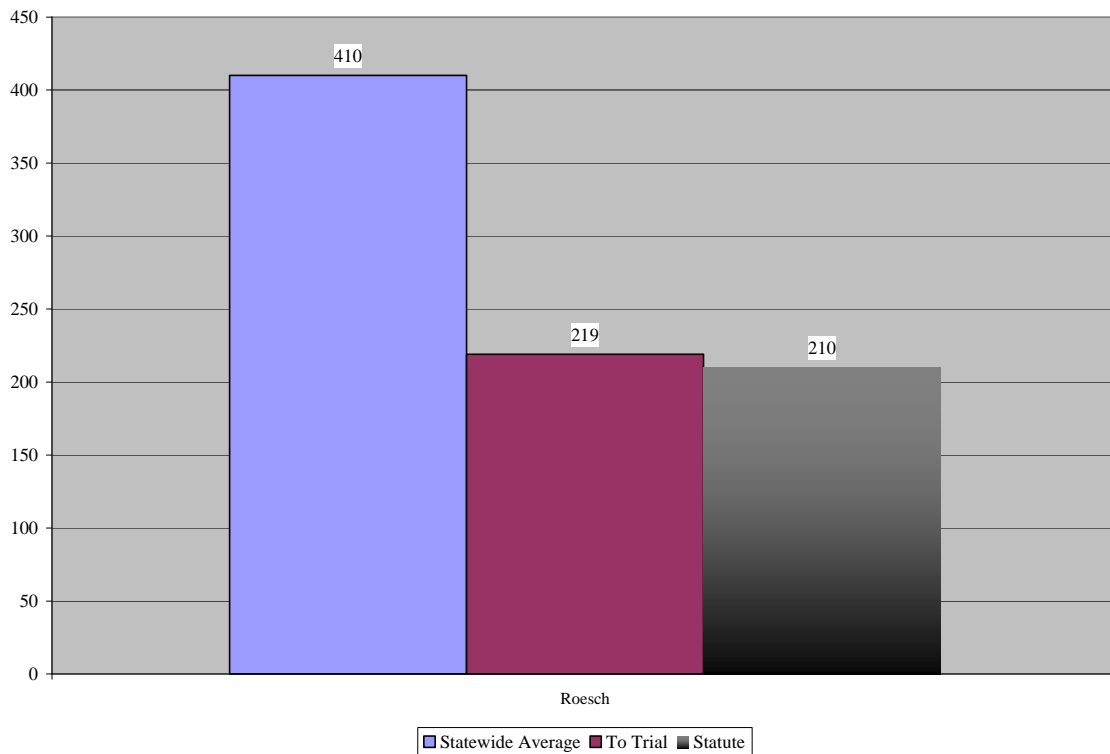
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



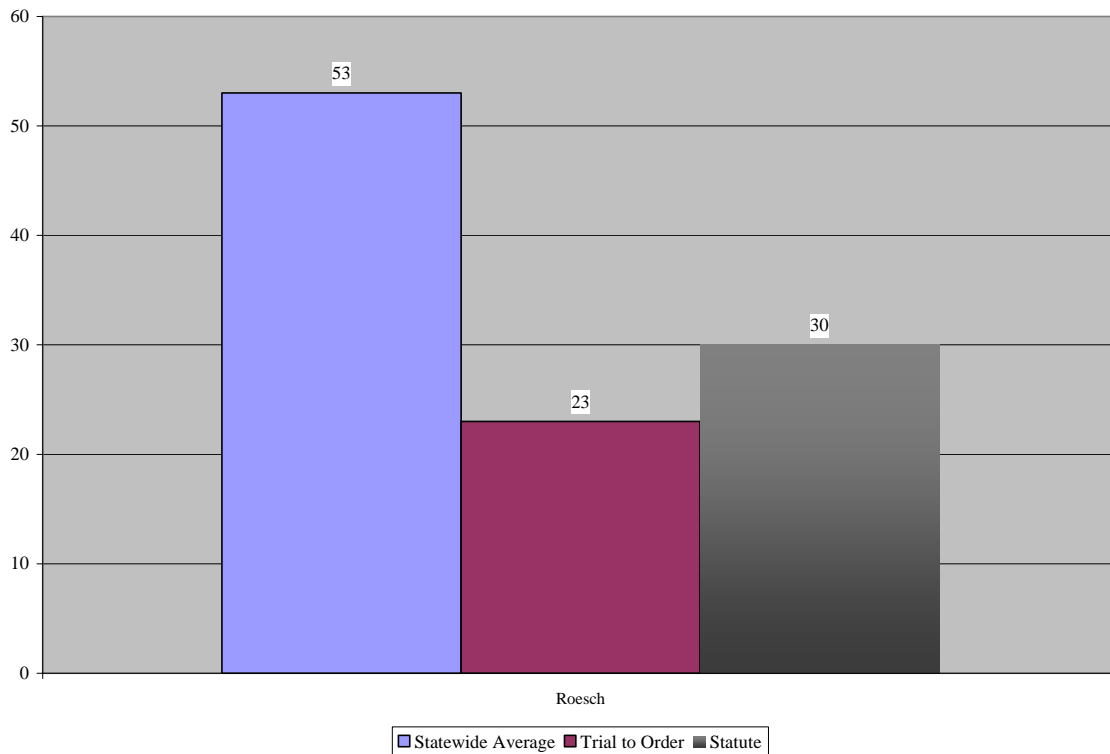
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



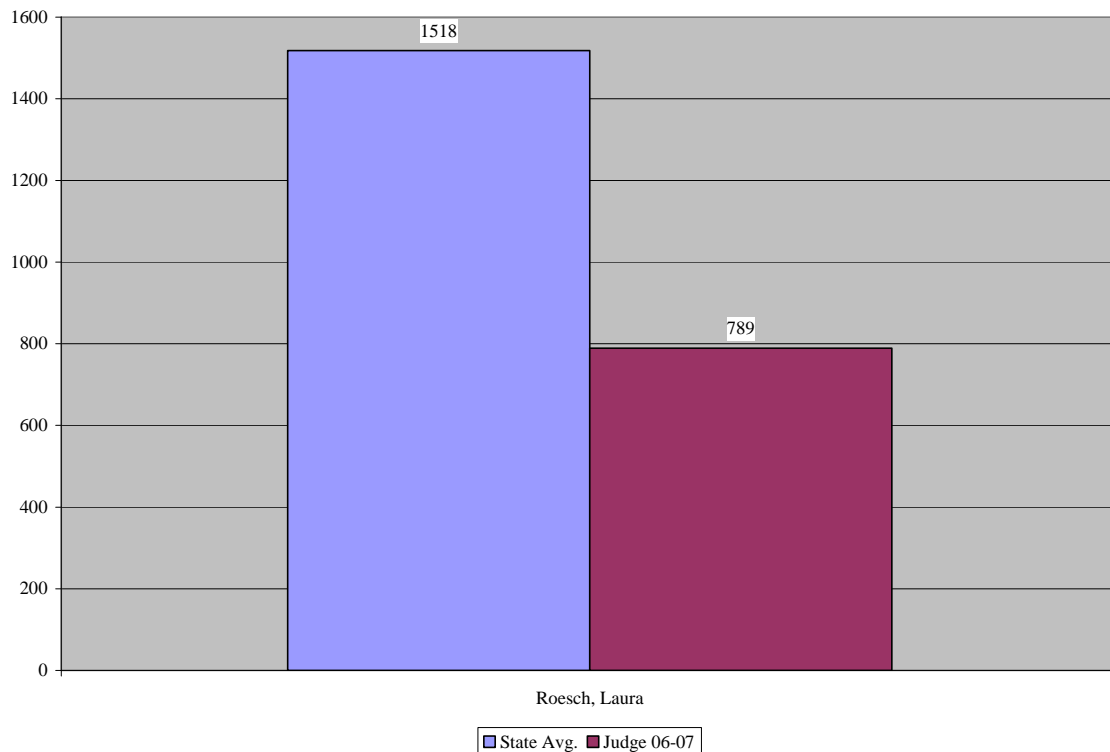
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



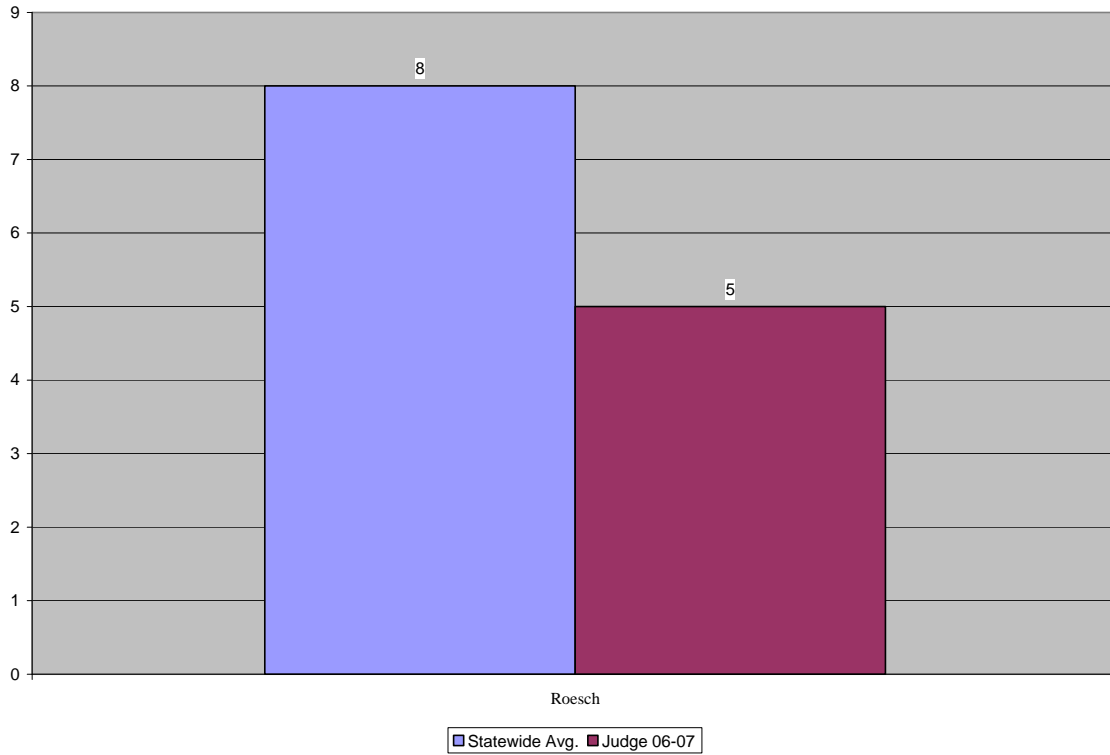
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



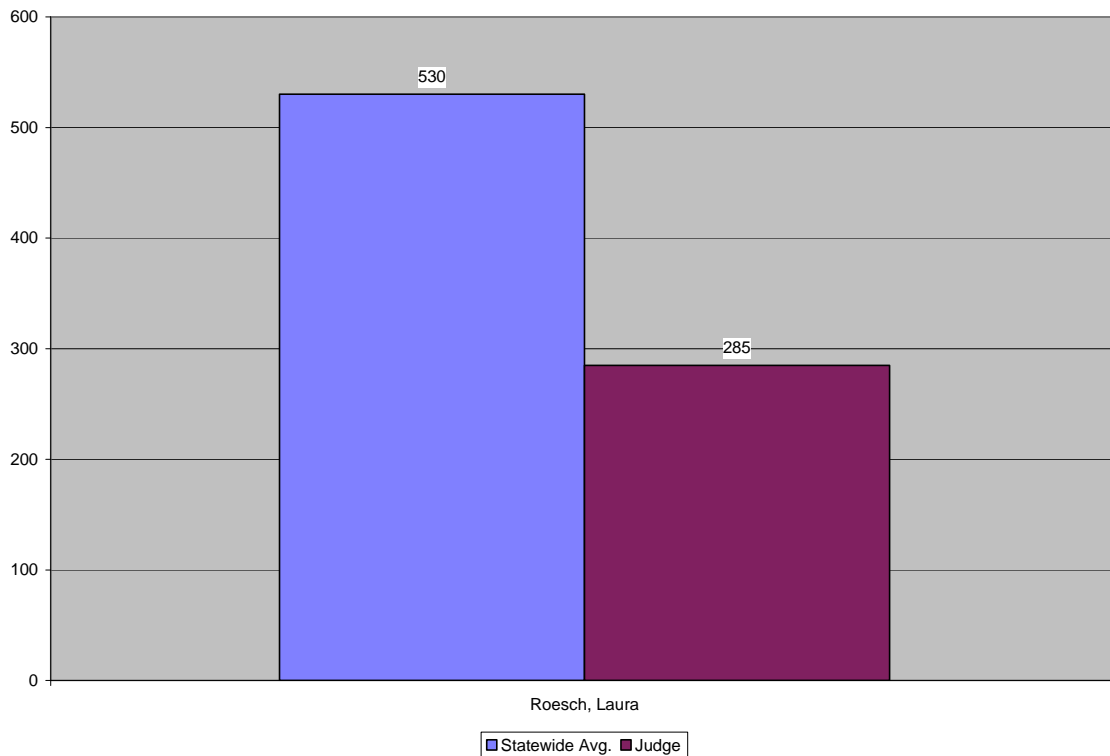
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



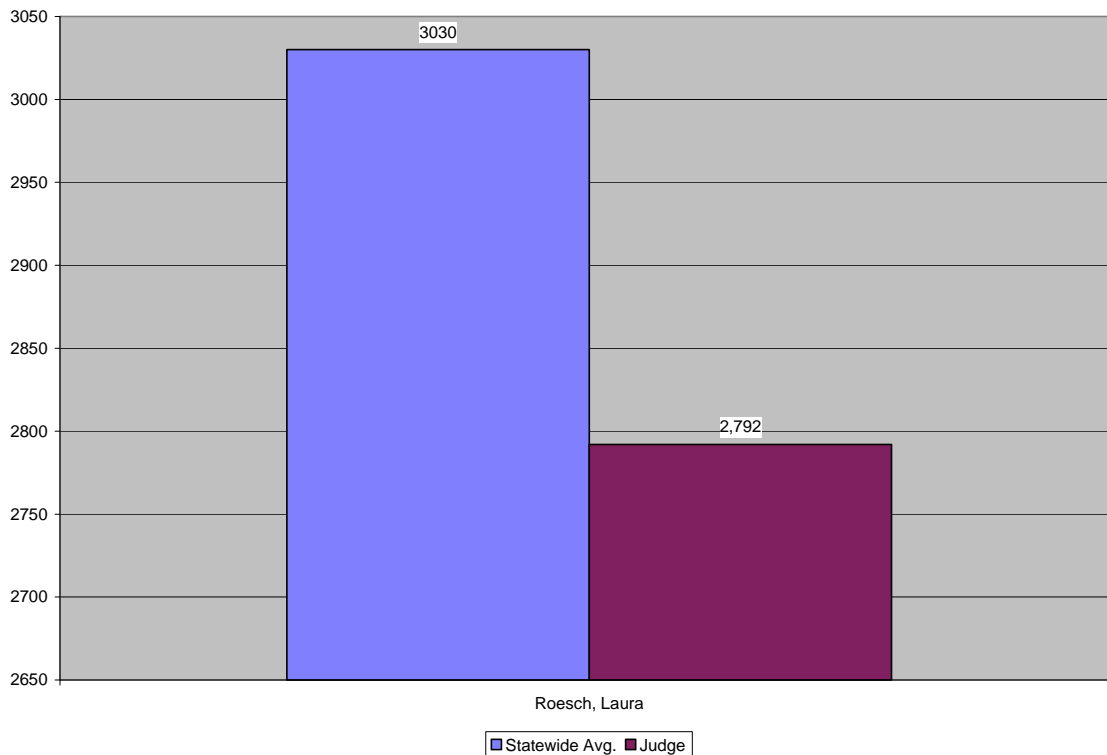
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



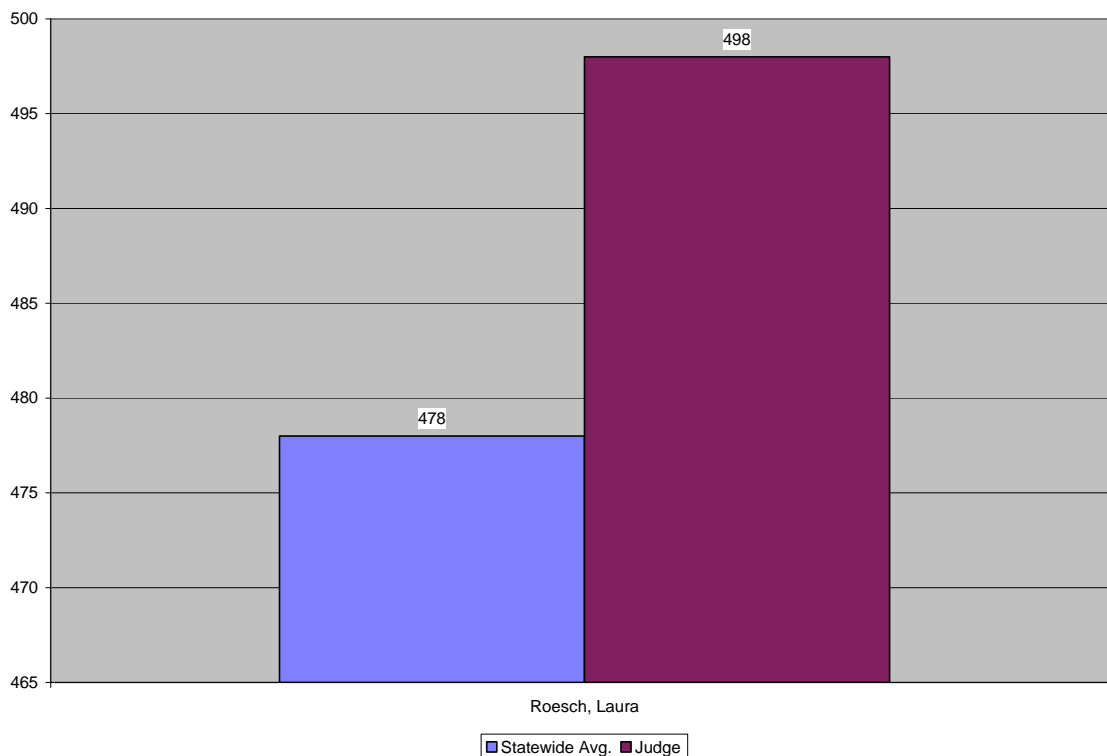
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

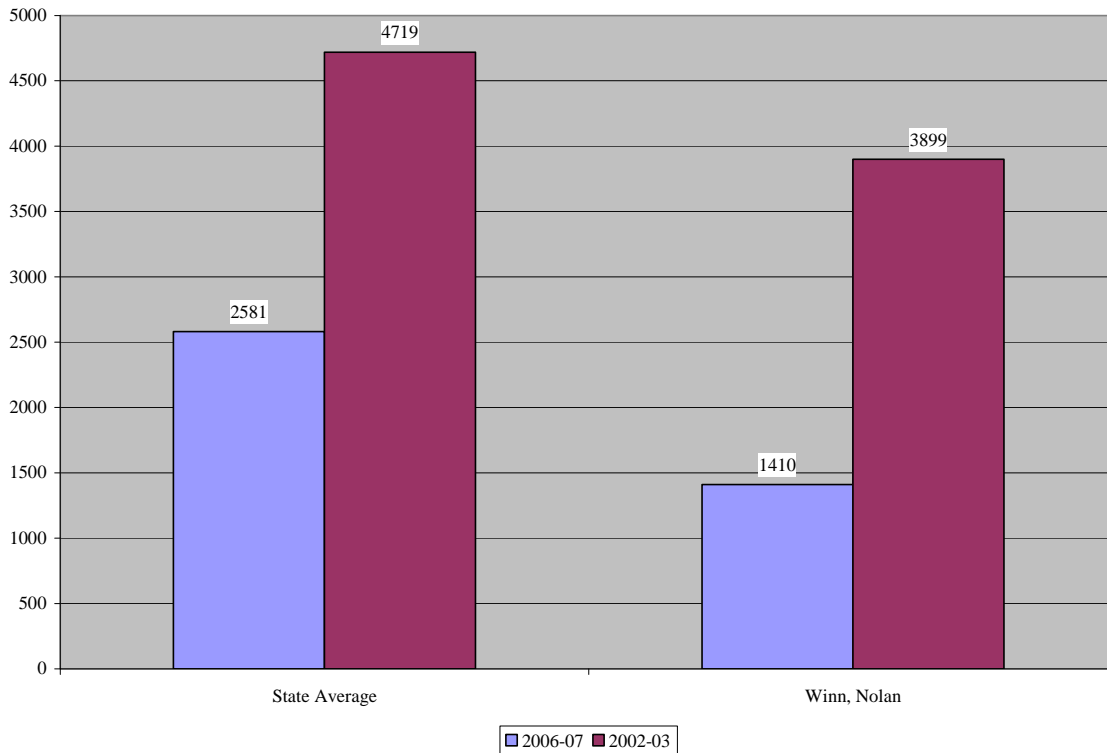


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

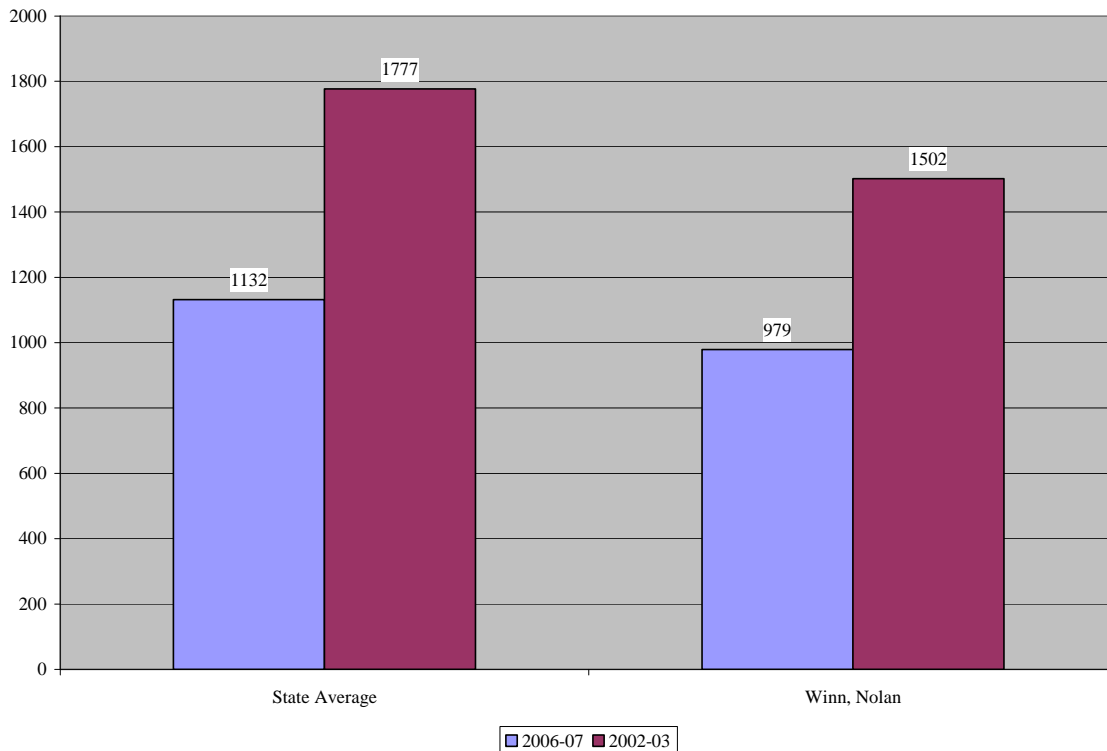


Appendix “13” District PNS (JCC Winn):

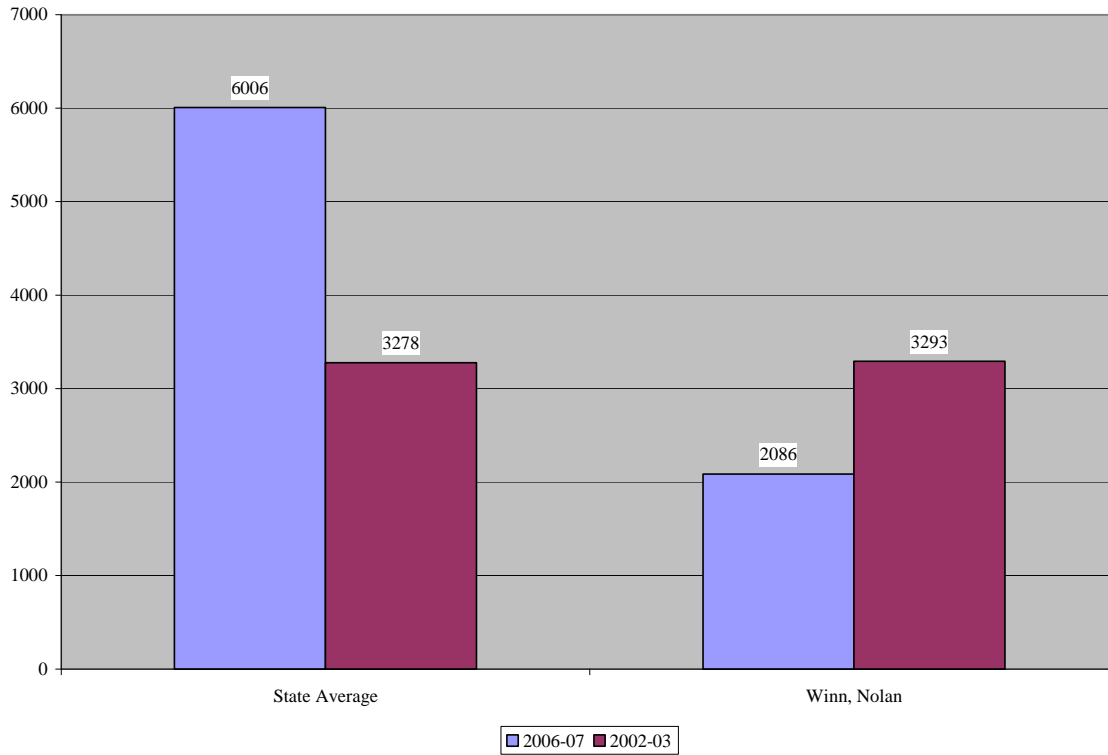
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



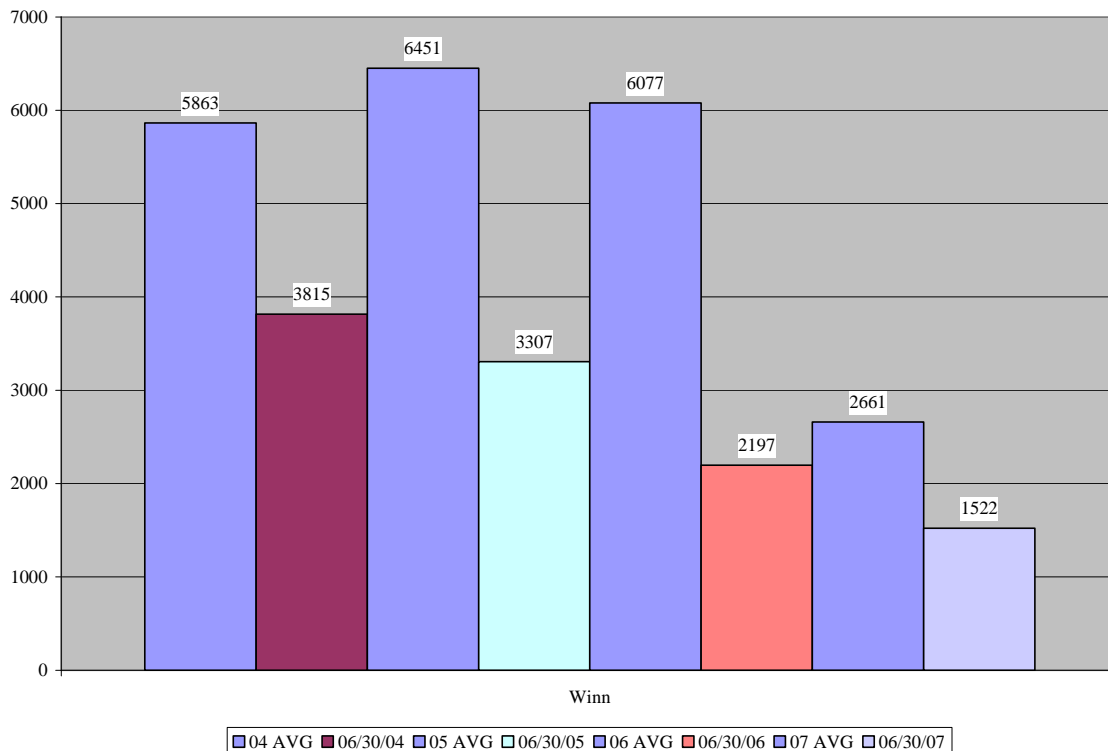
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



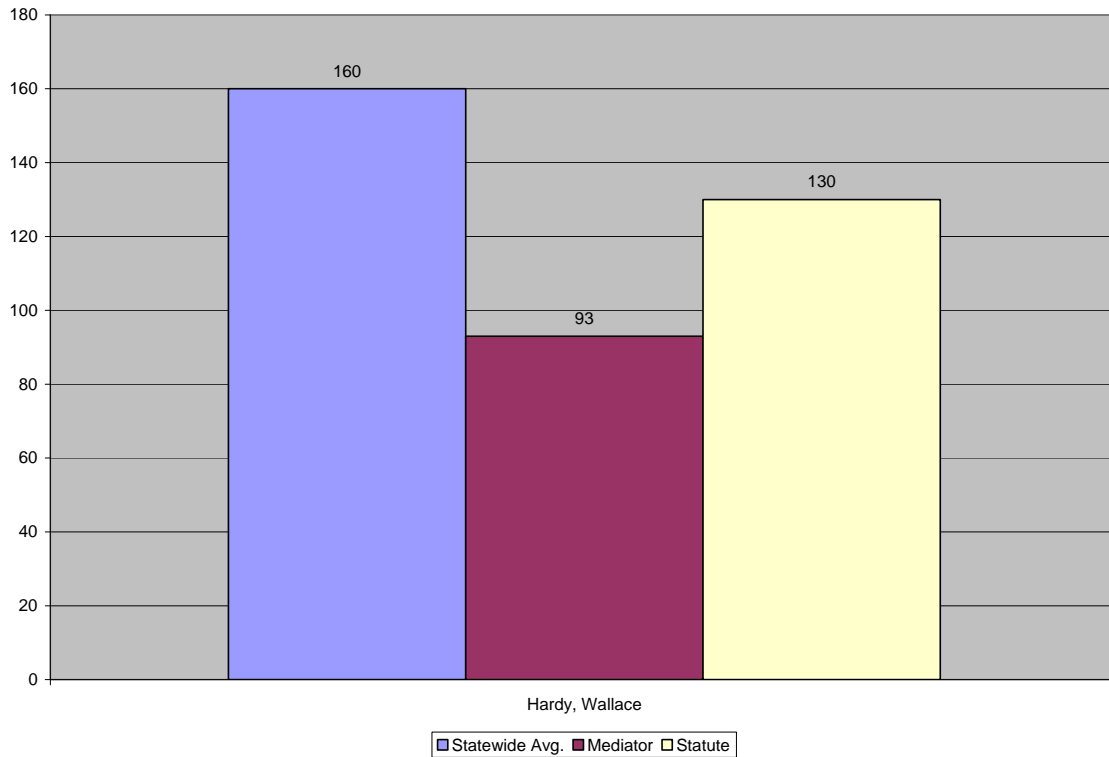
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the District. The statewide average for each year is also represented.



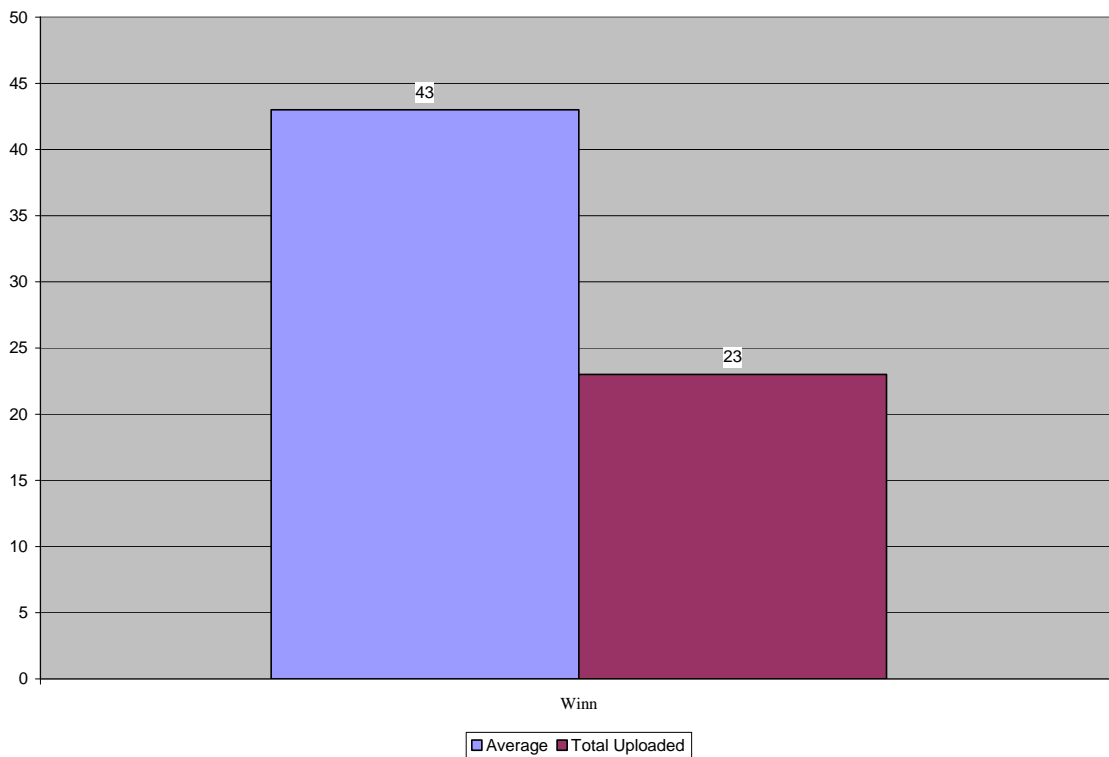
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



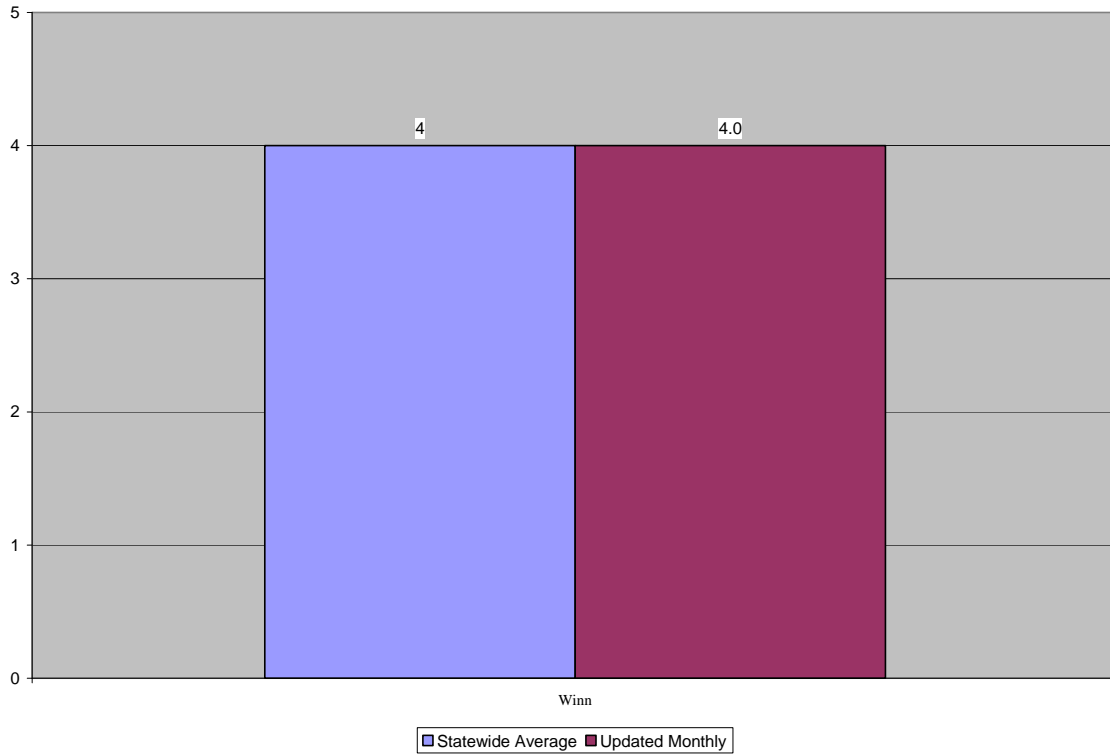
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



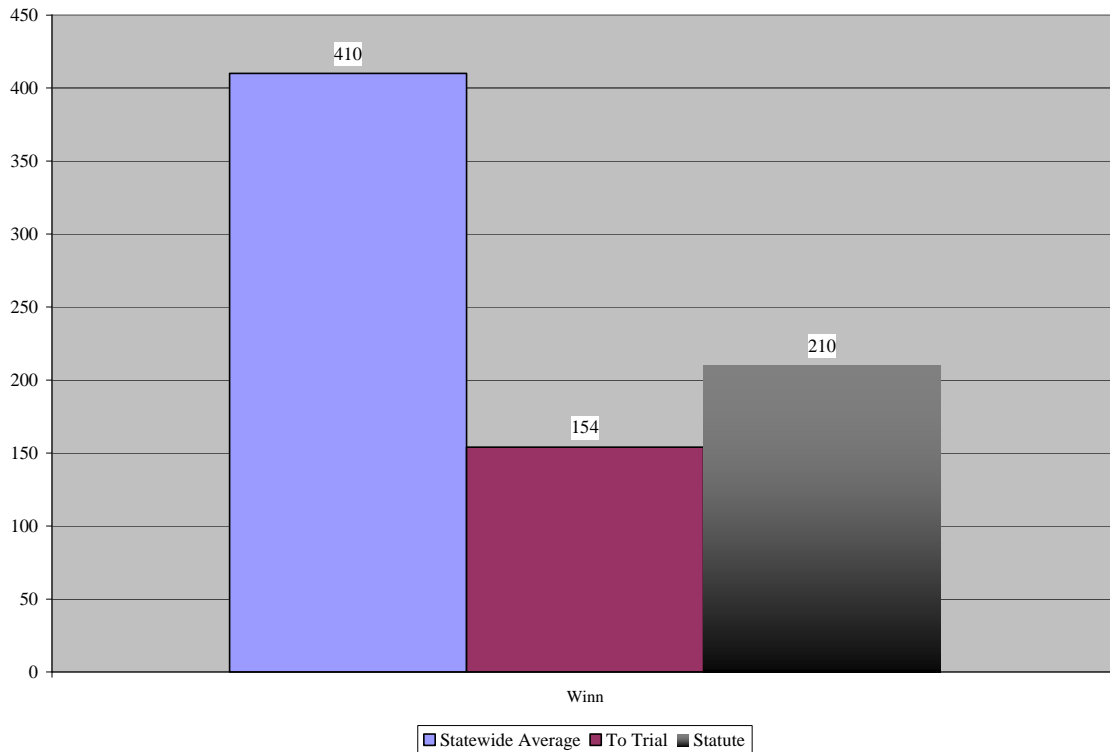
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



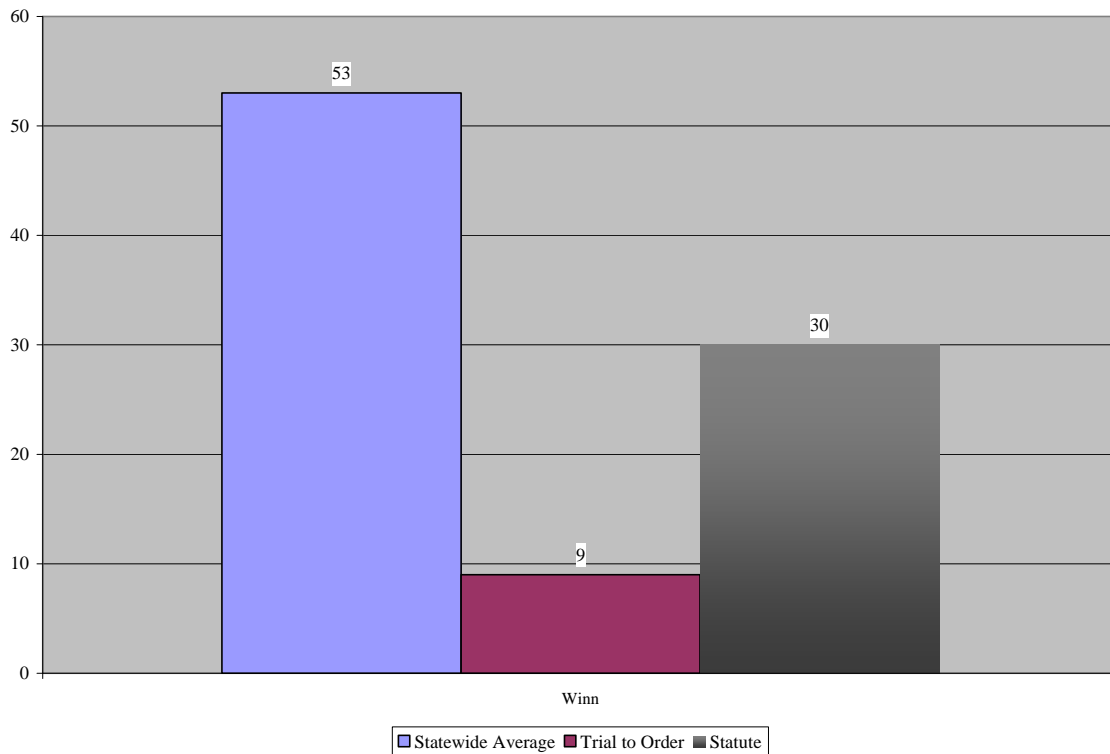
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



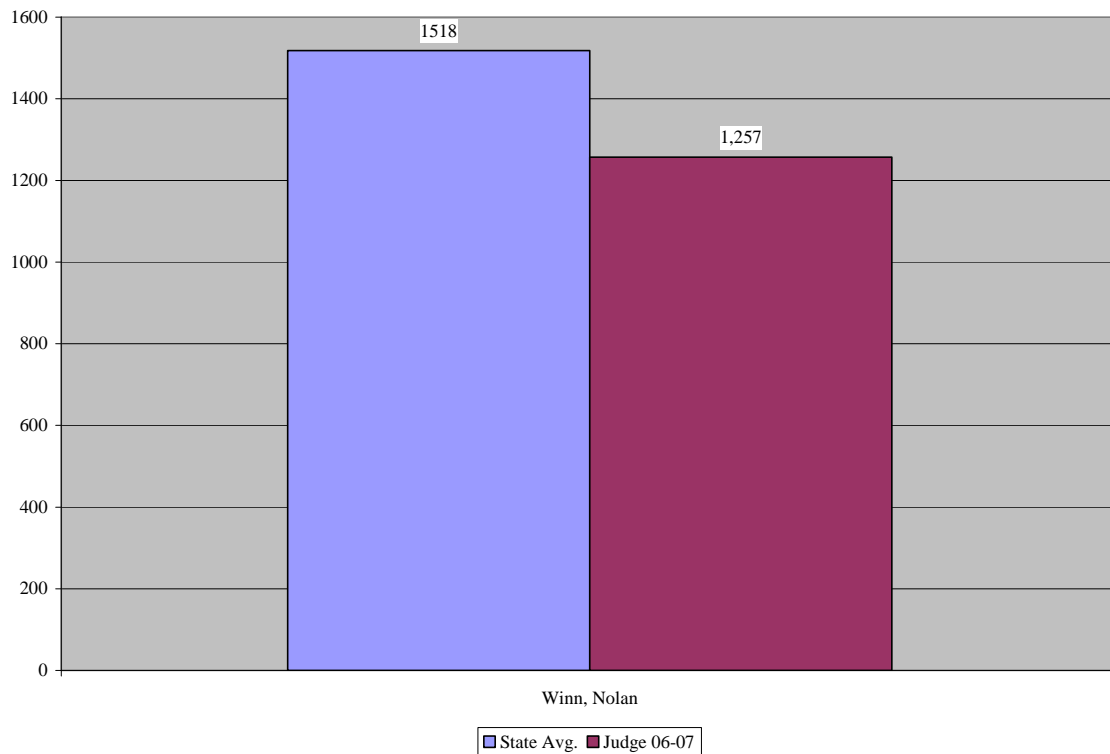
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



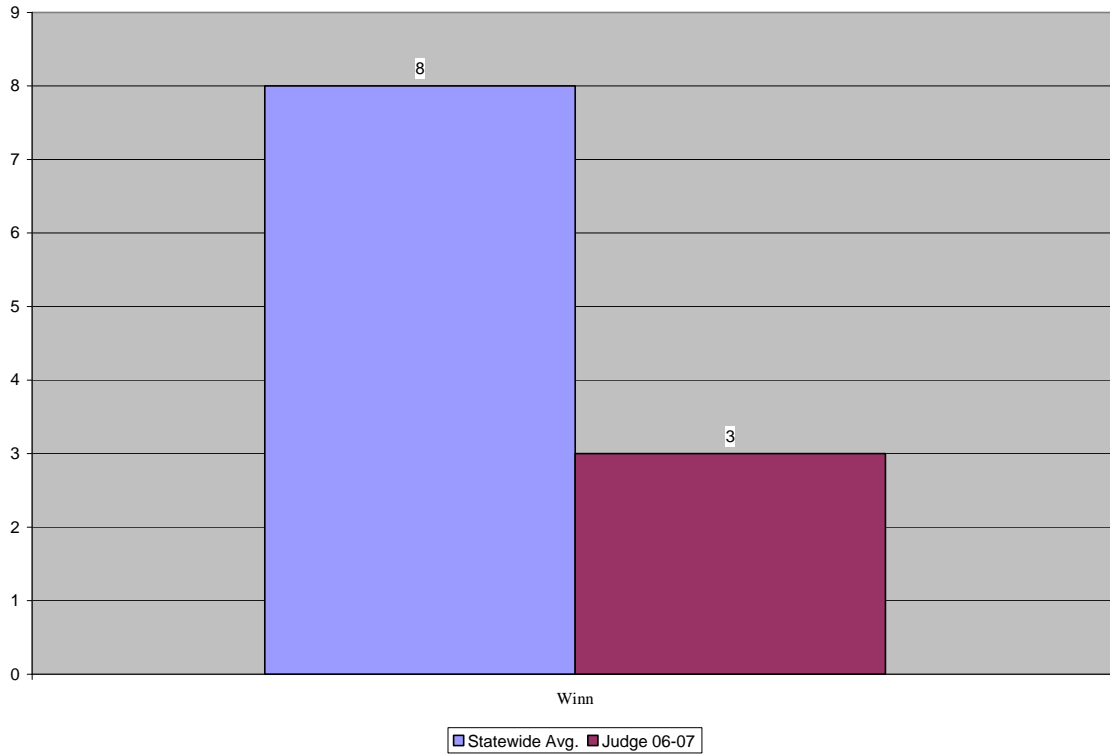
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



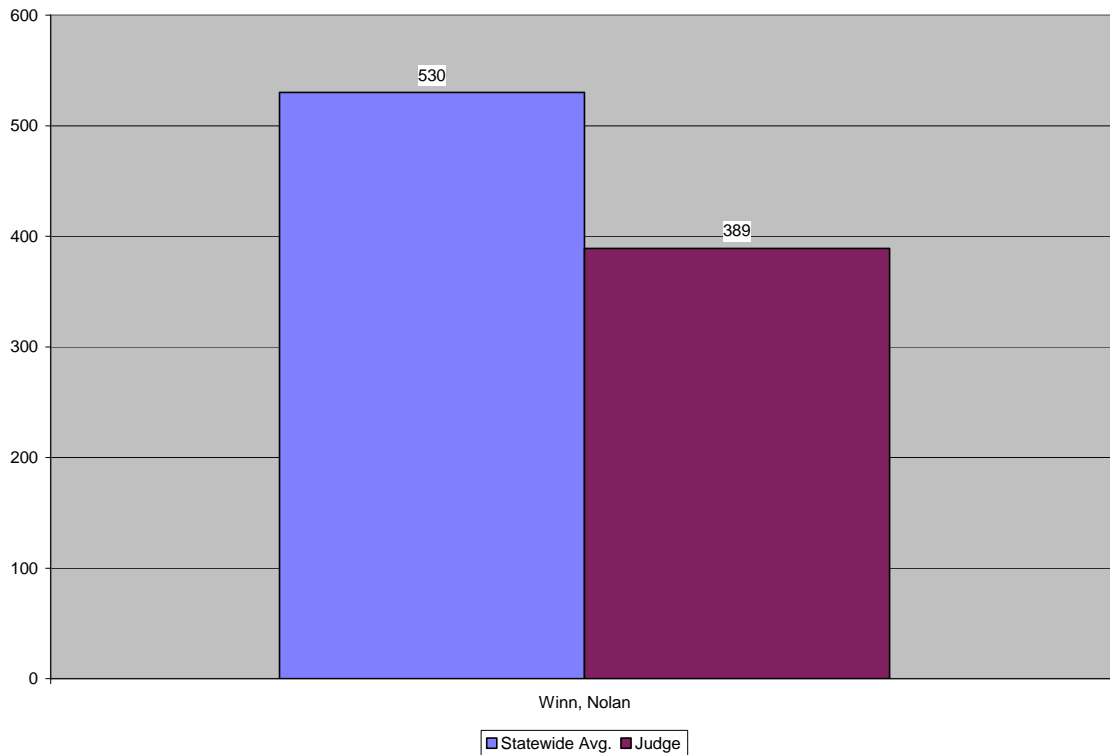
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



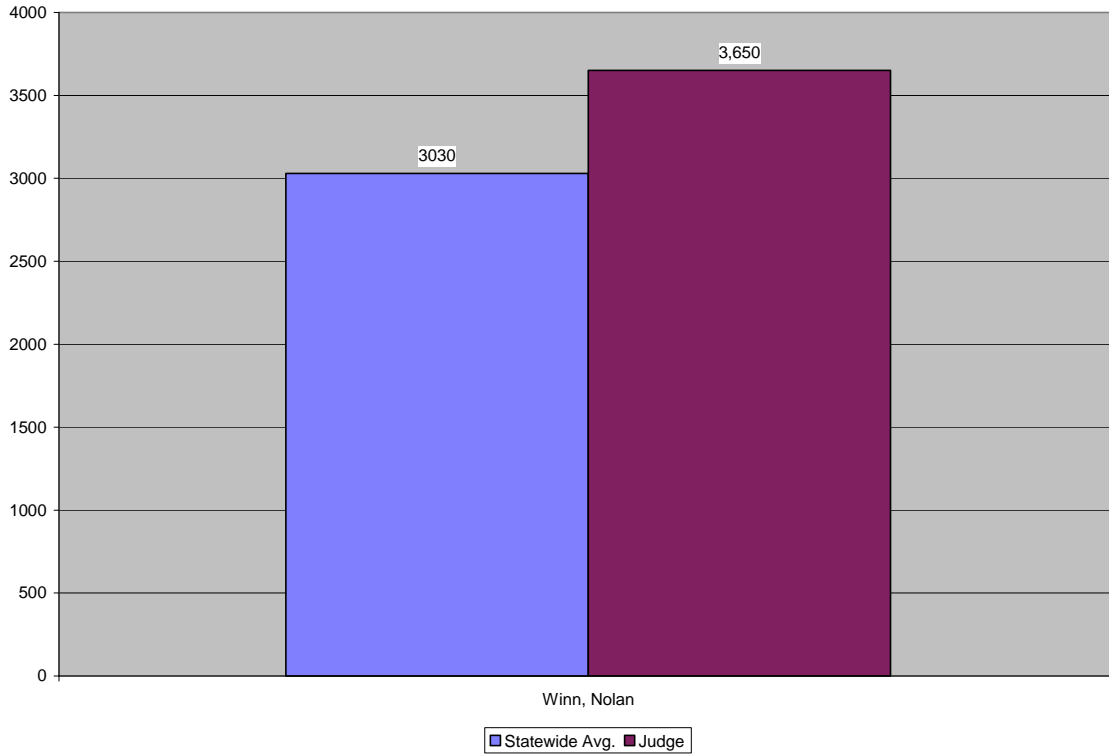
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



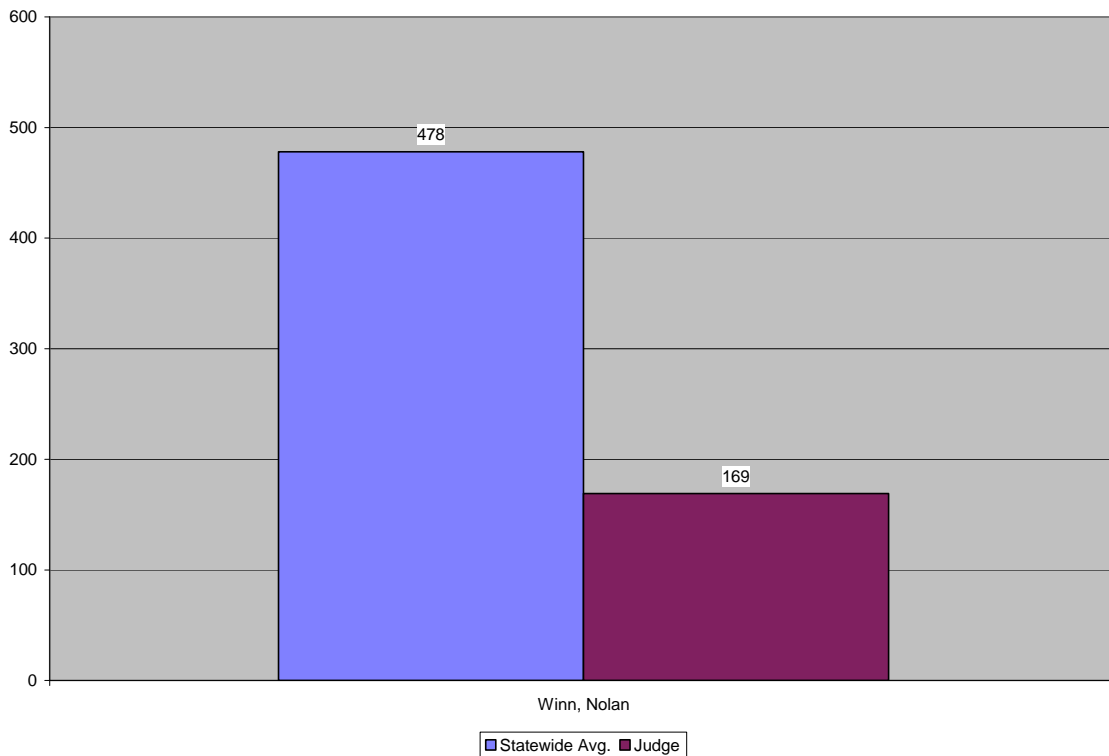
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

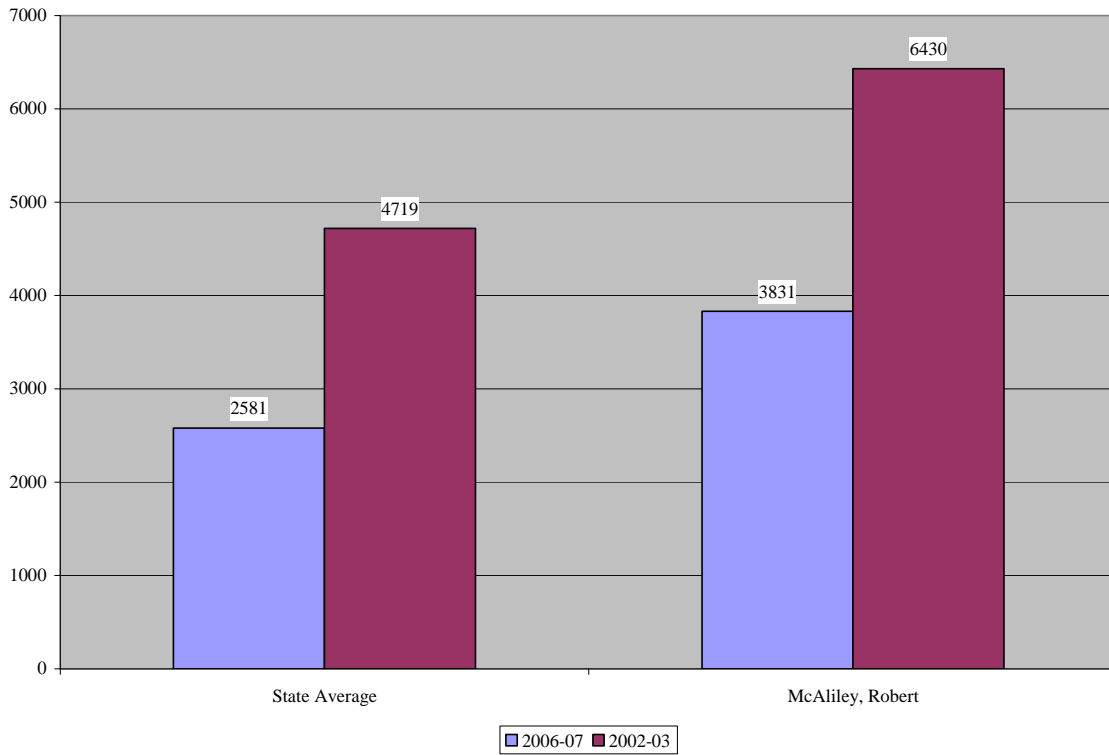


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

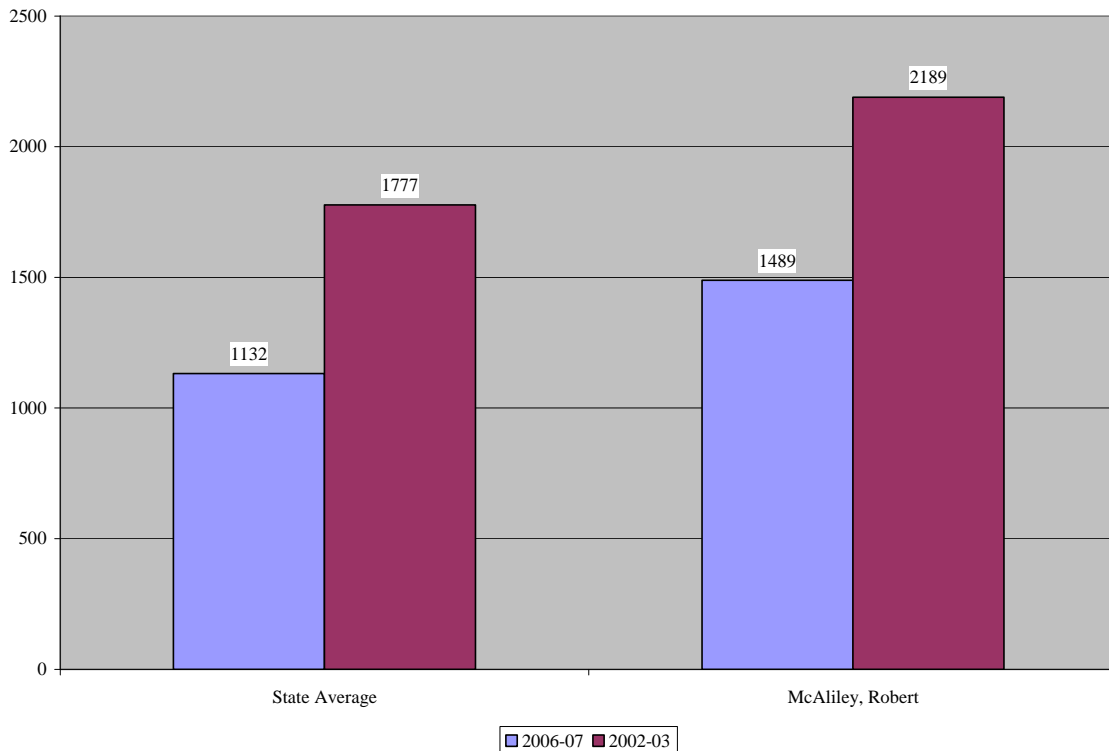


Appendix “14” District PSL (JCC McAliley):

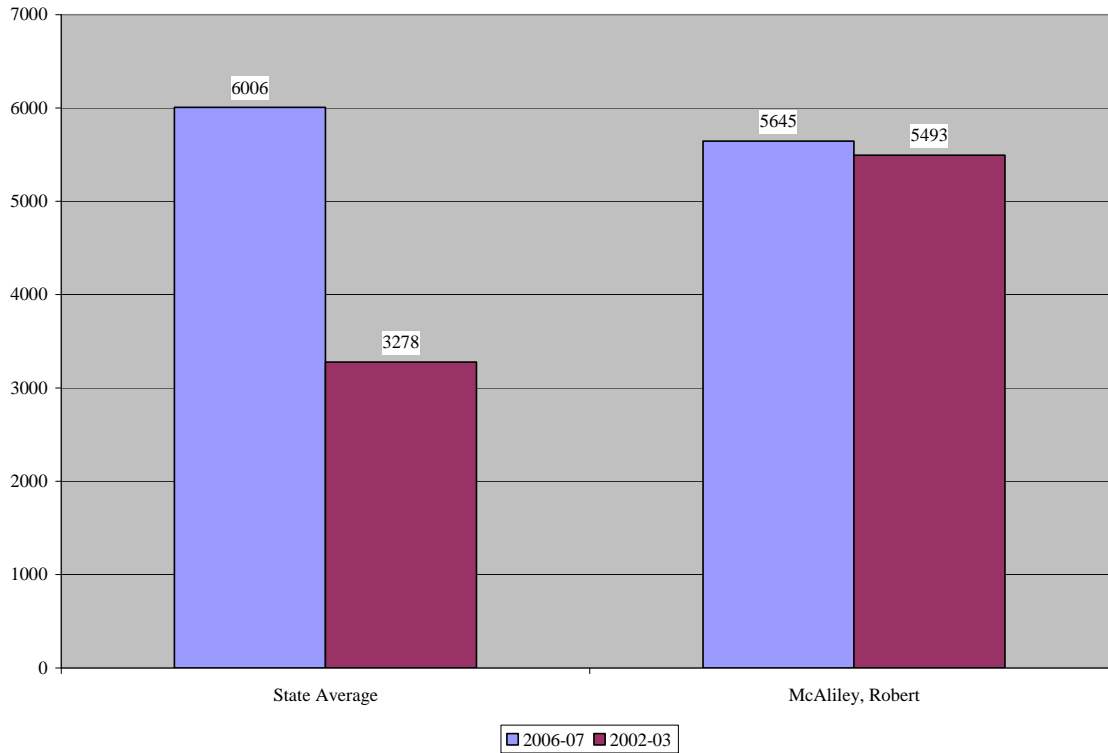
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



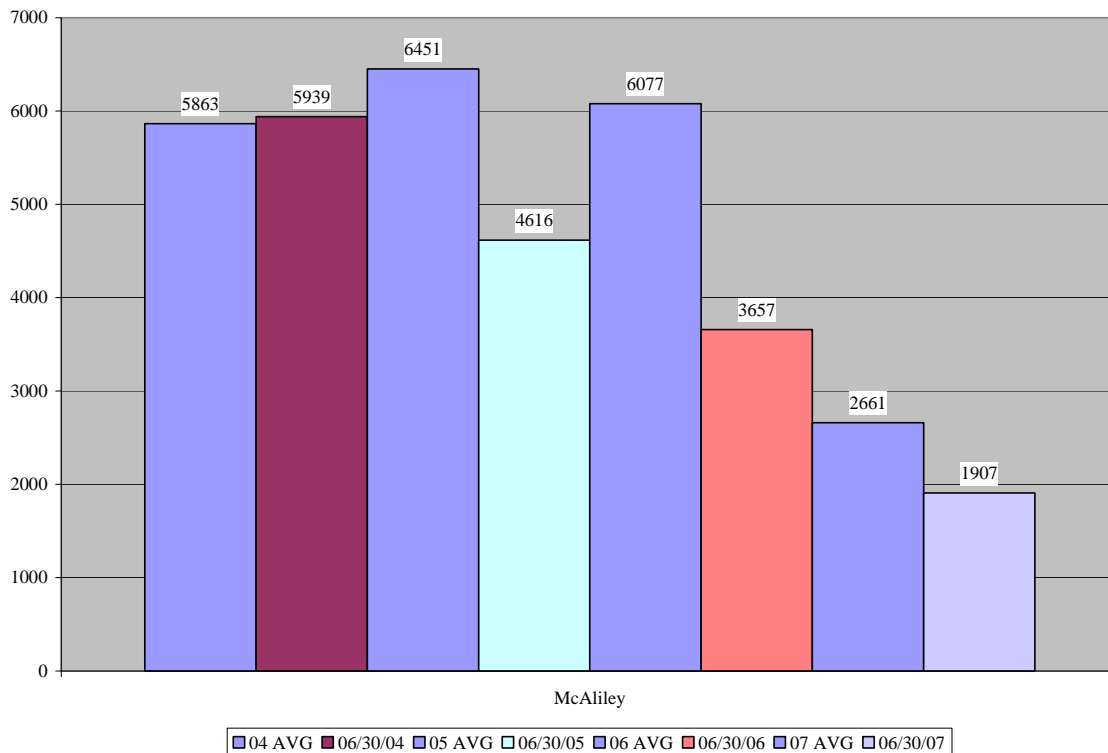
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



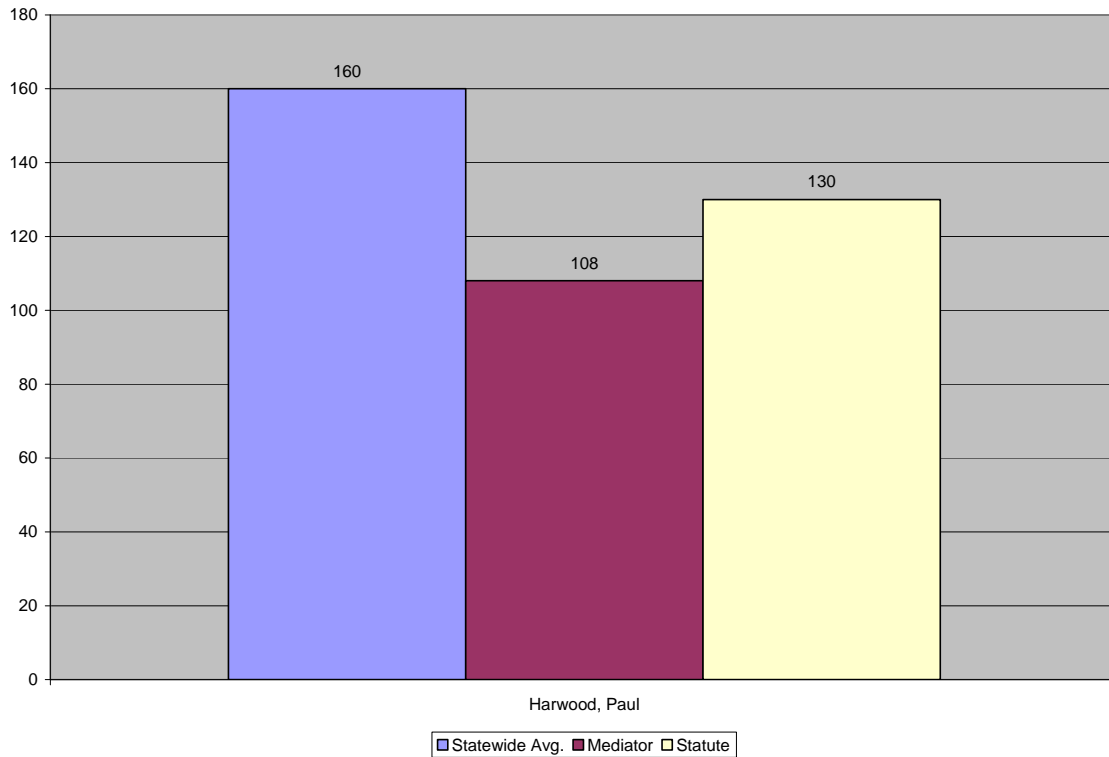
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



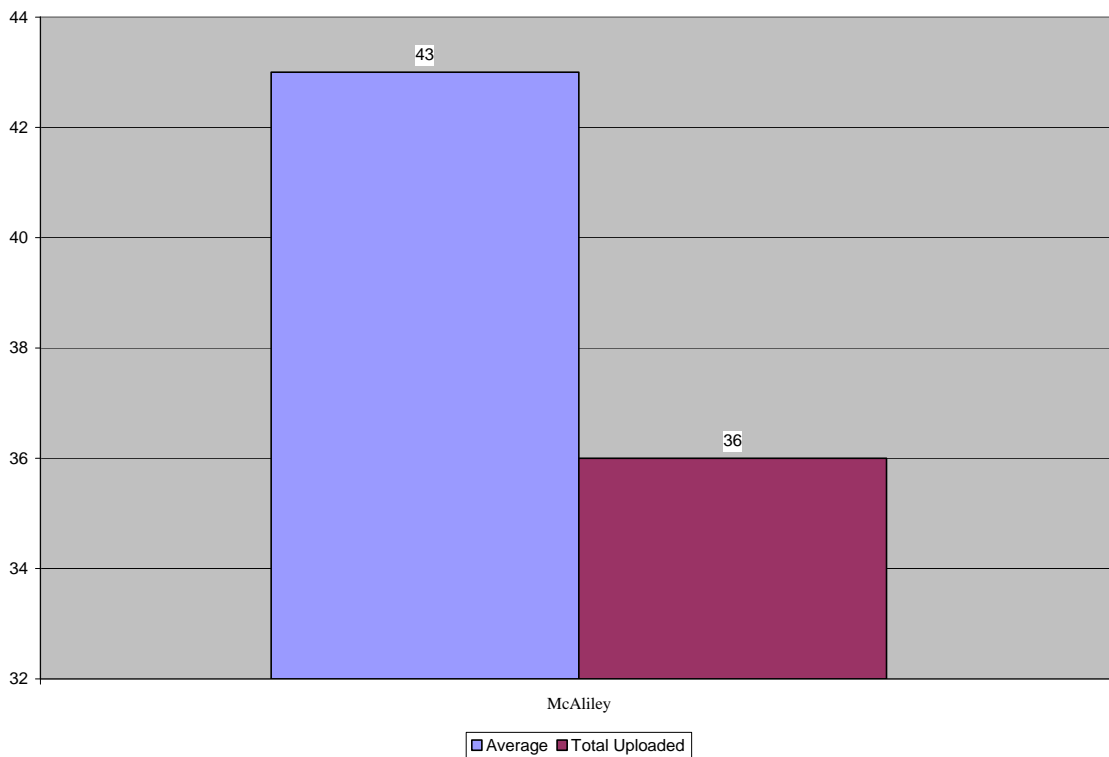
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



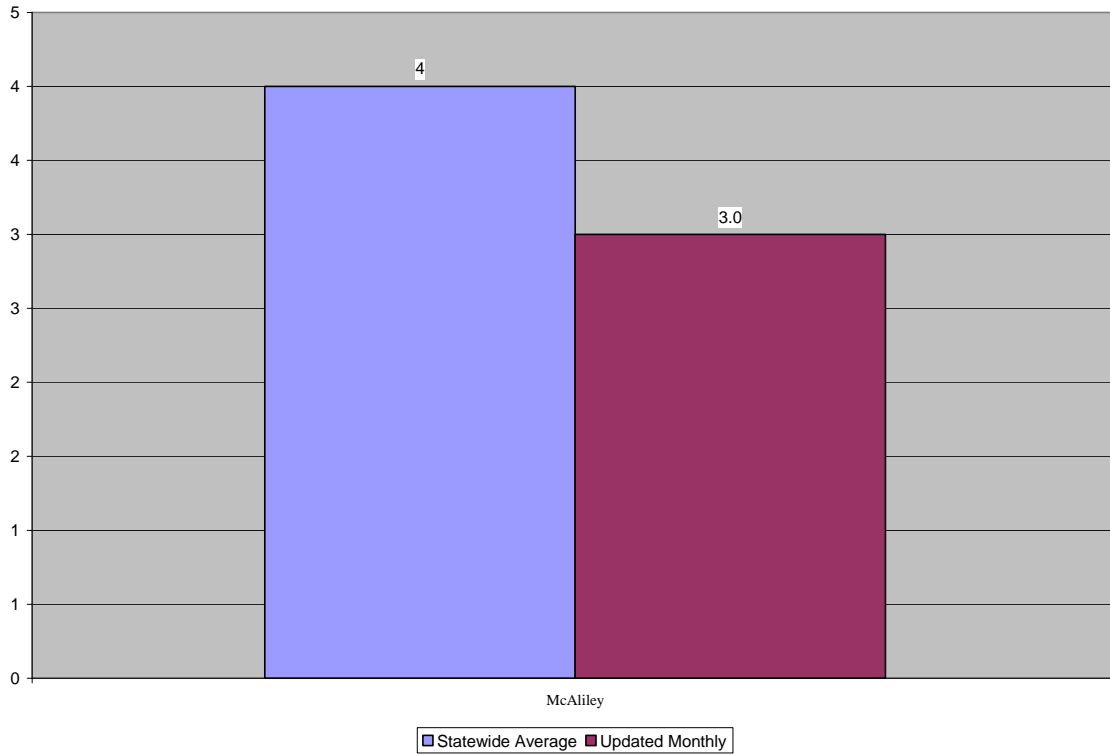
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



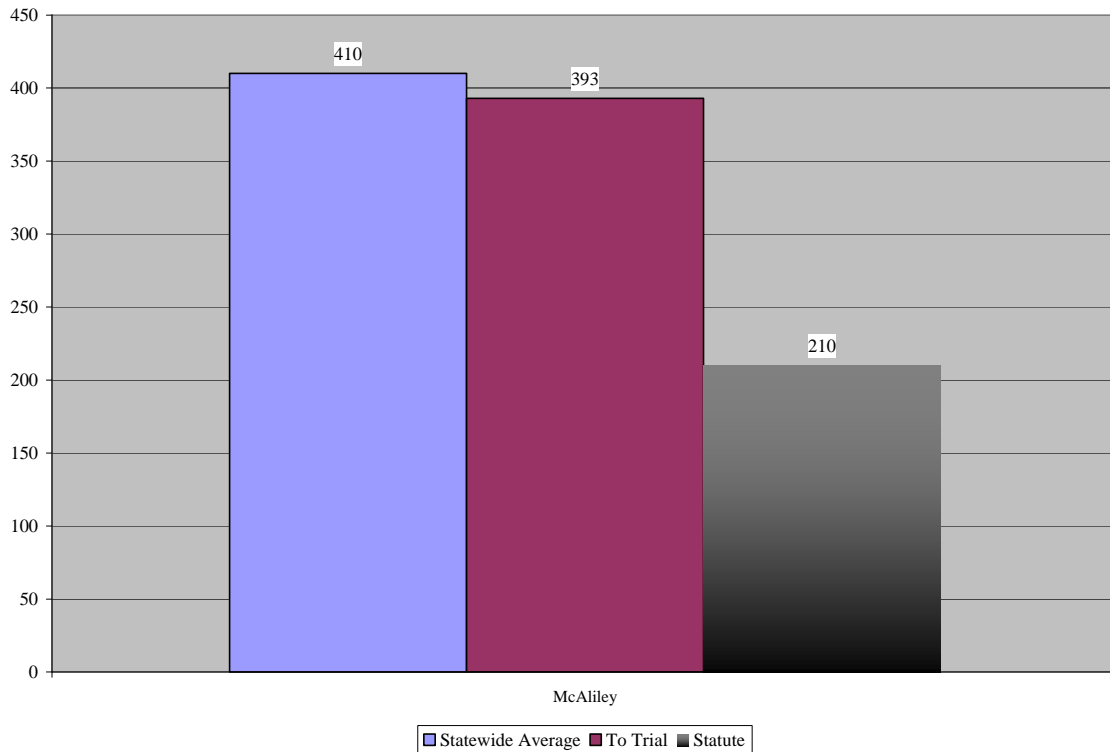
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



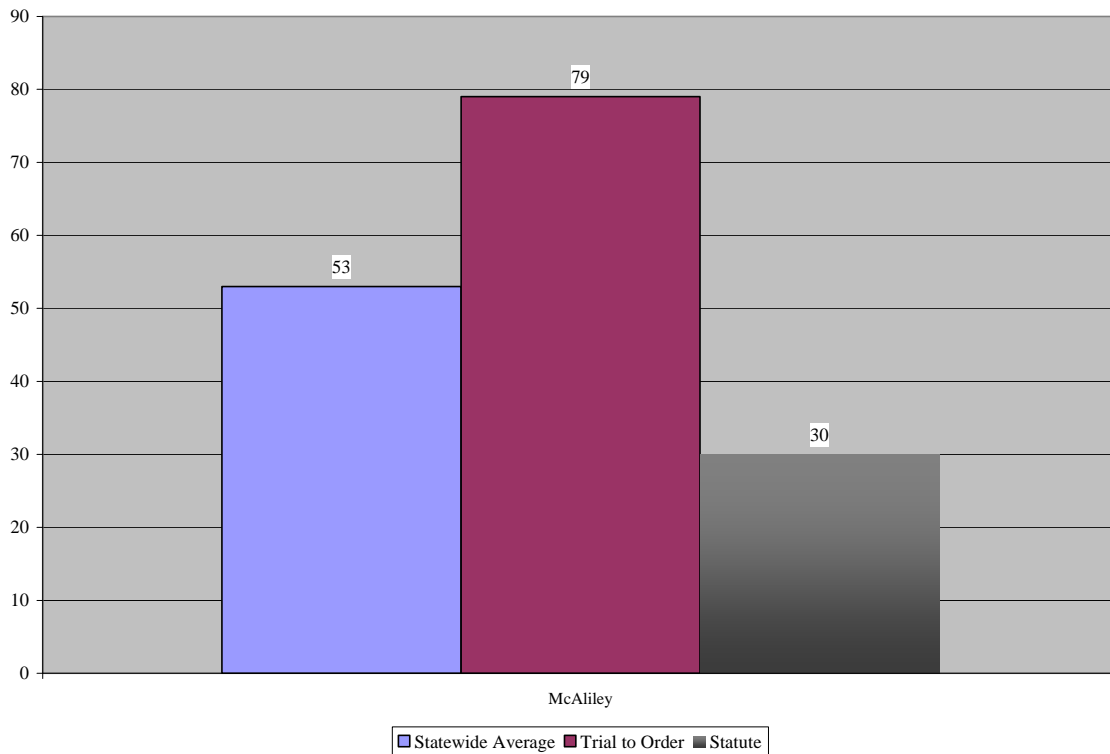
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



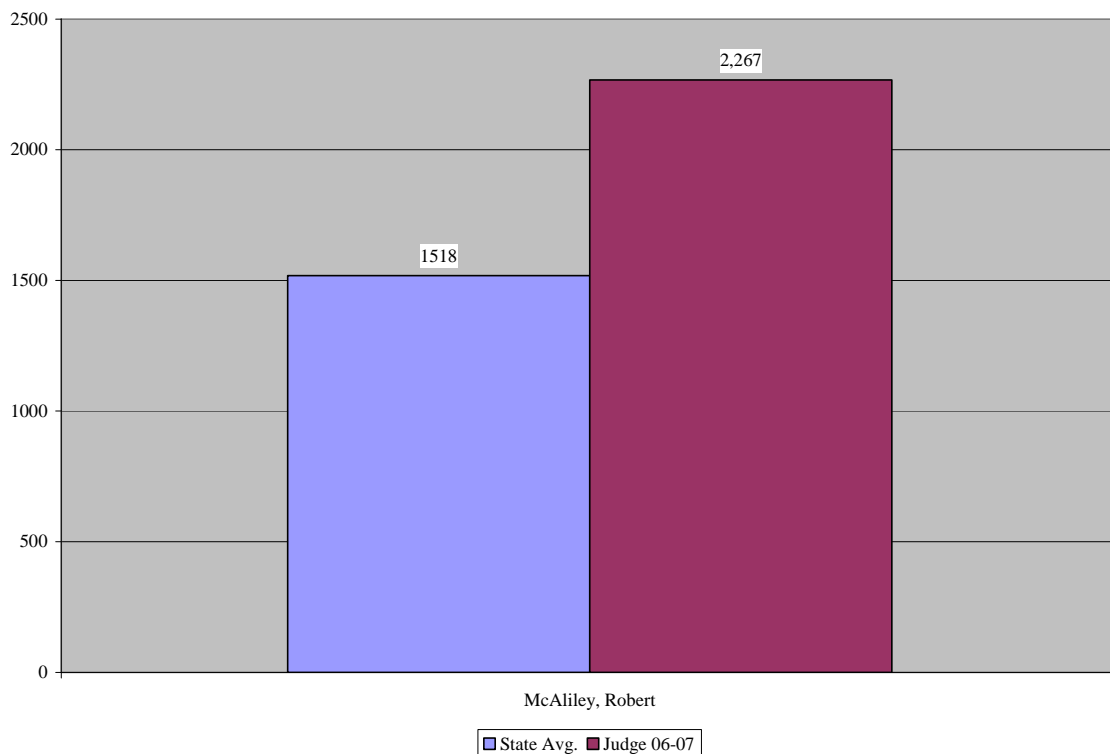
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



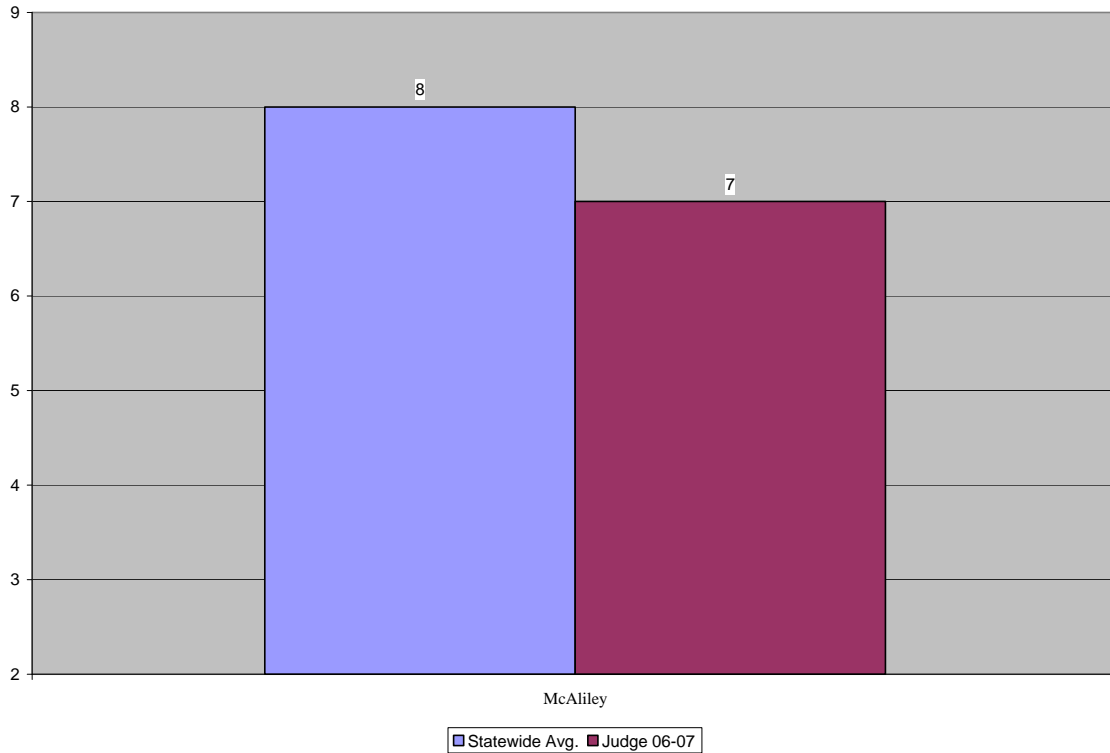
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



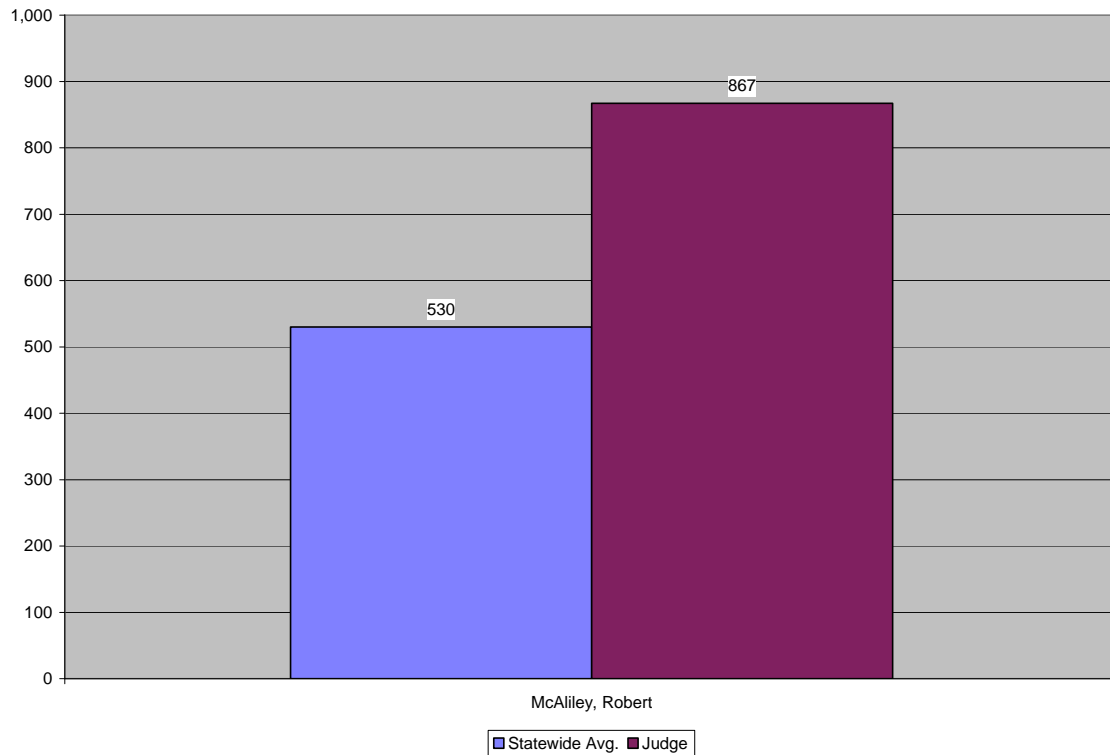
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



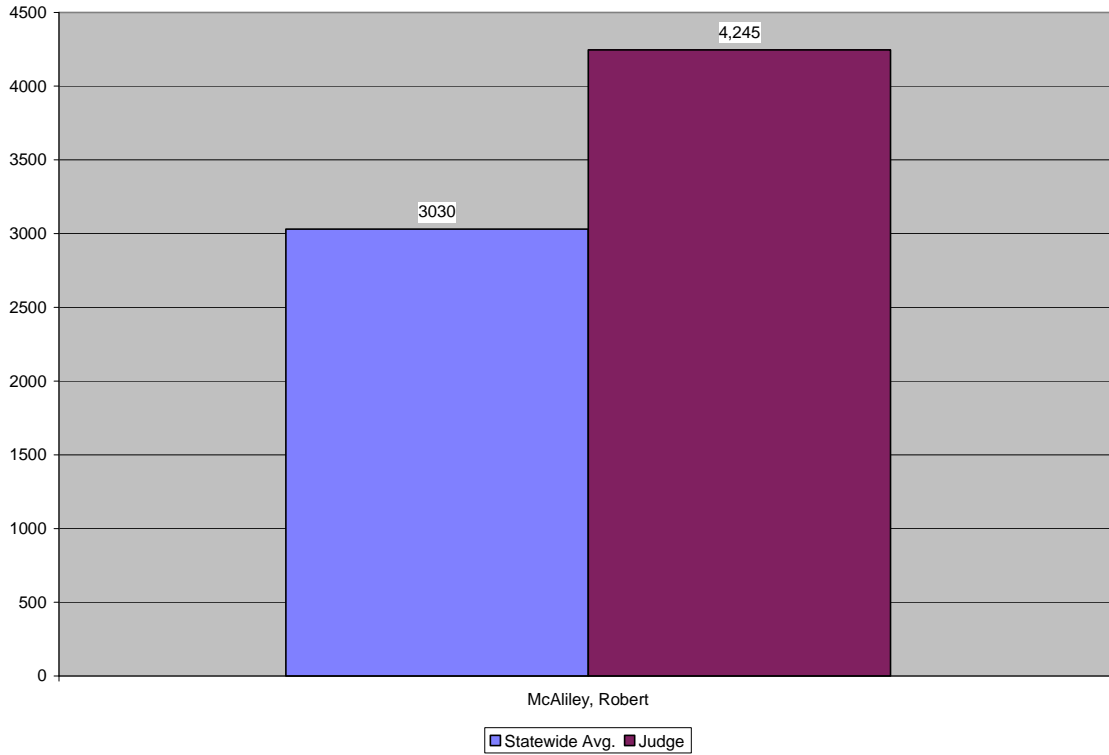
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



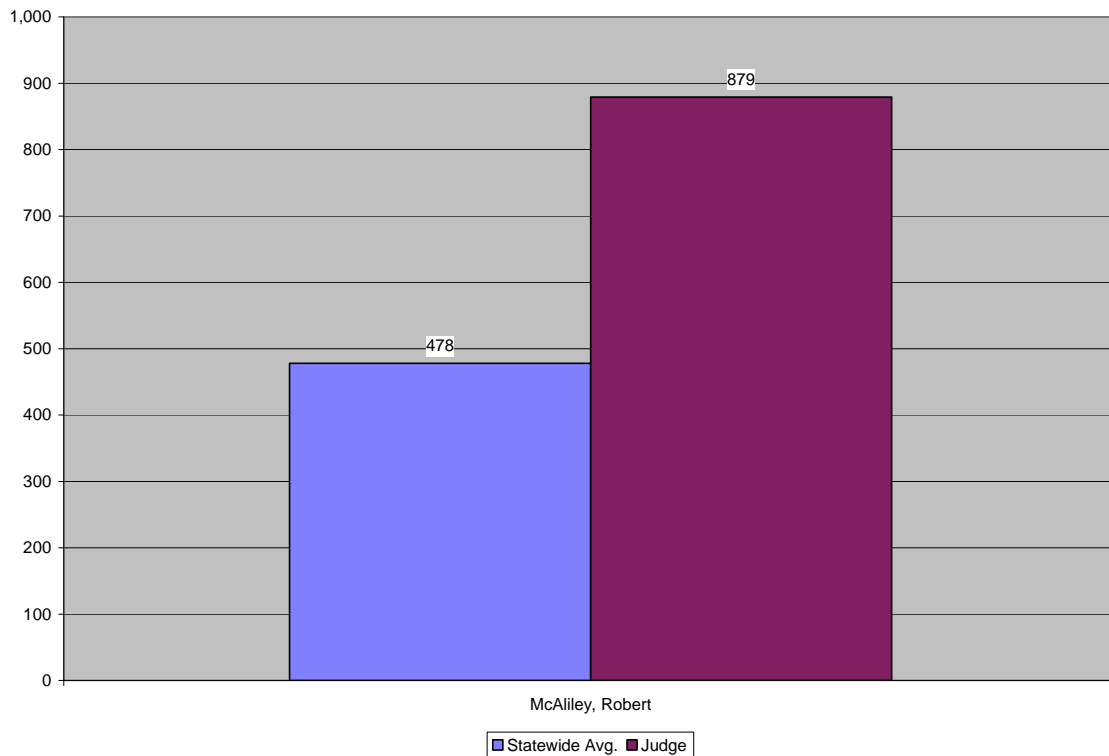
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

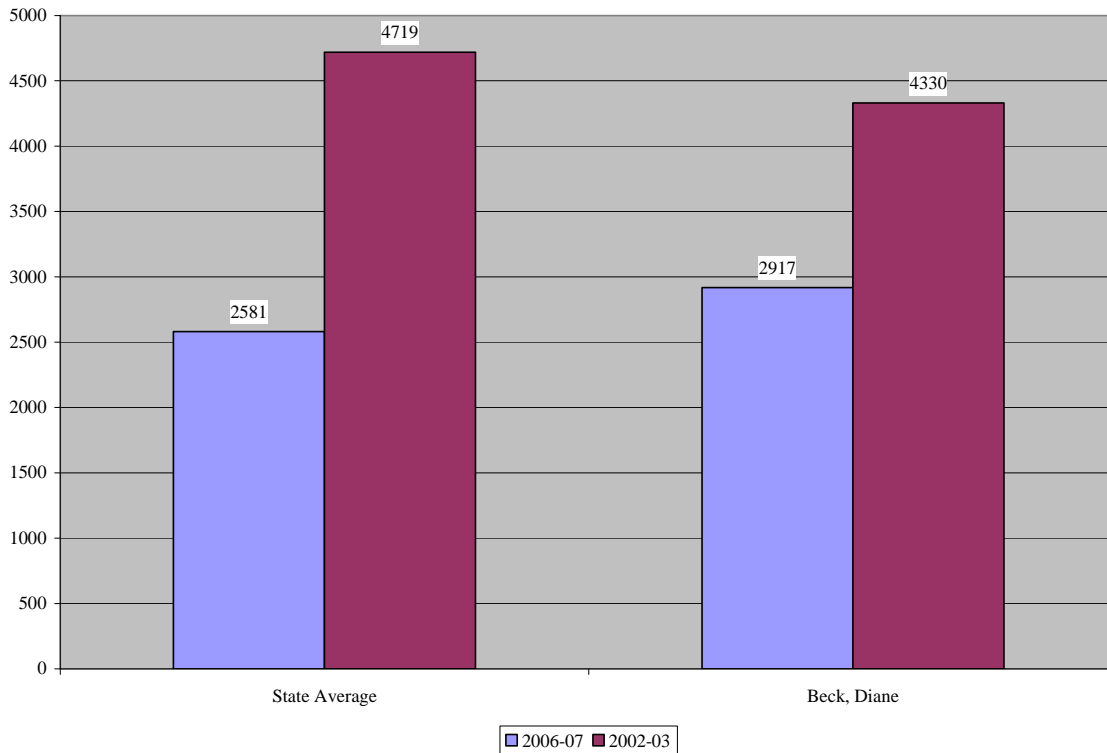


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

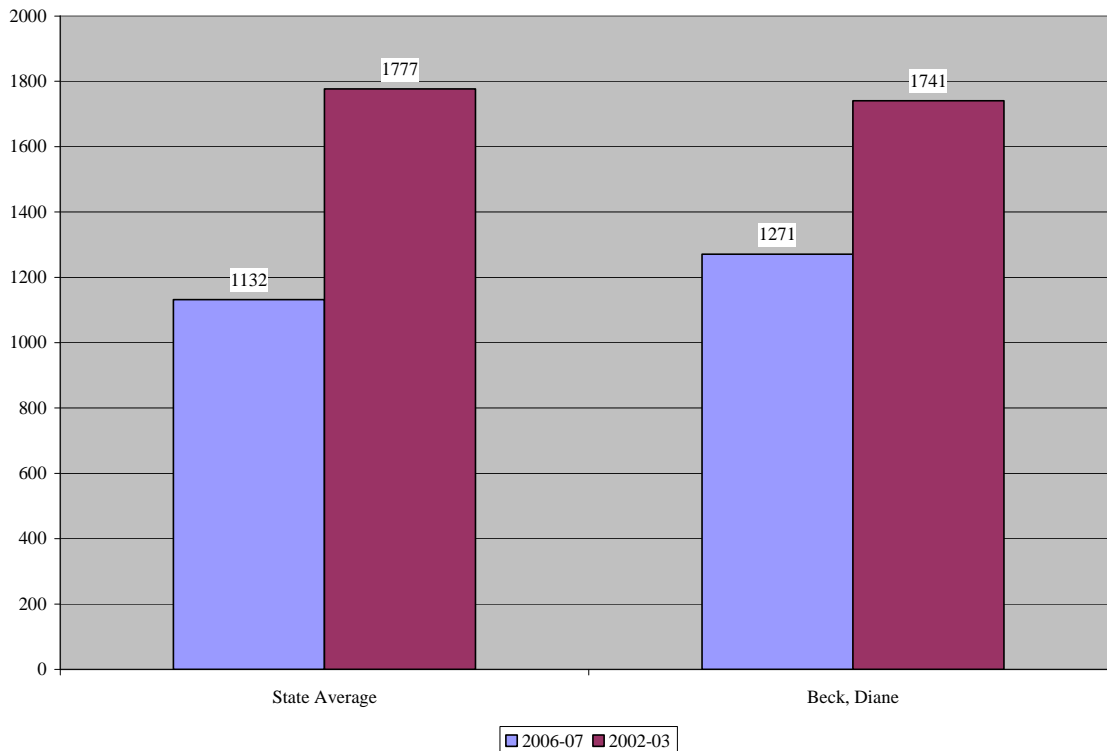


Appendix “15” District SAR (JCC Beck):

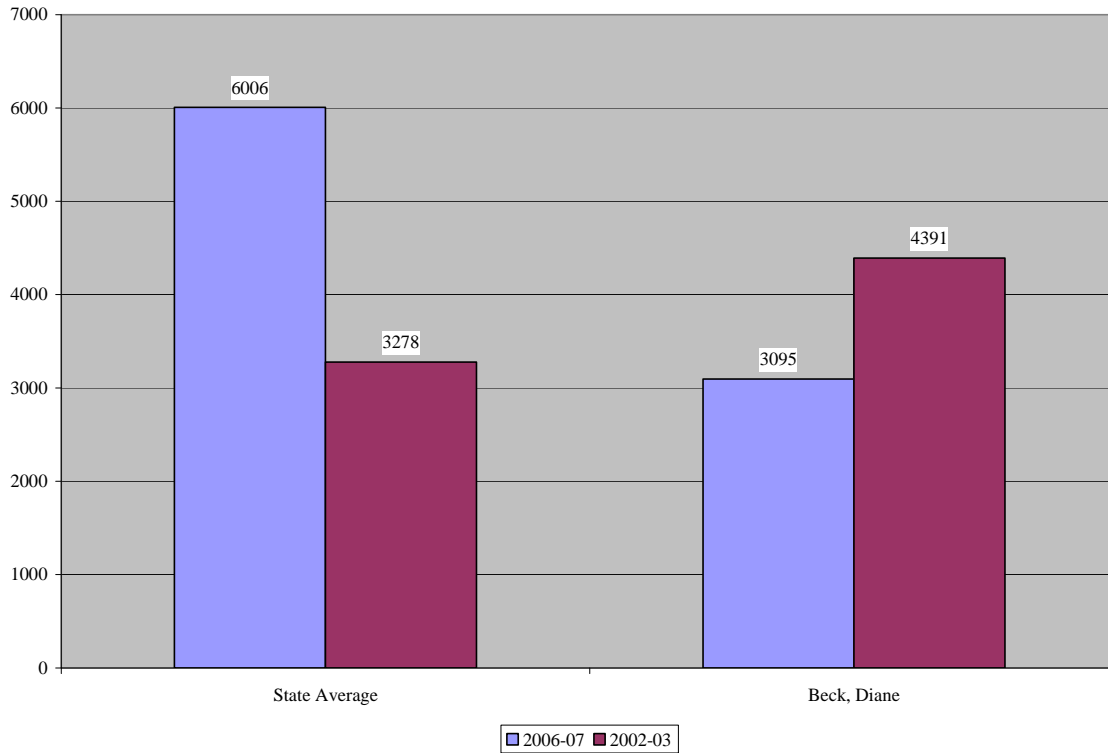
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



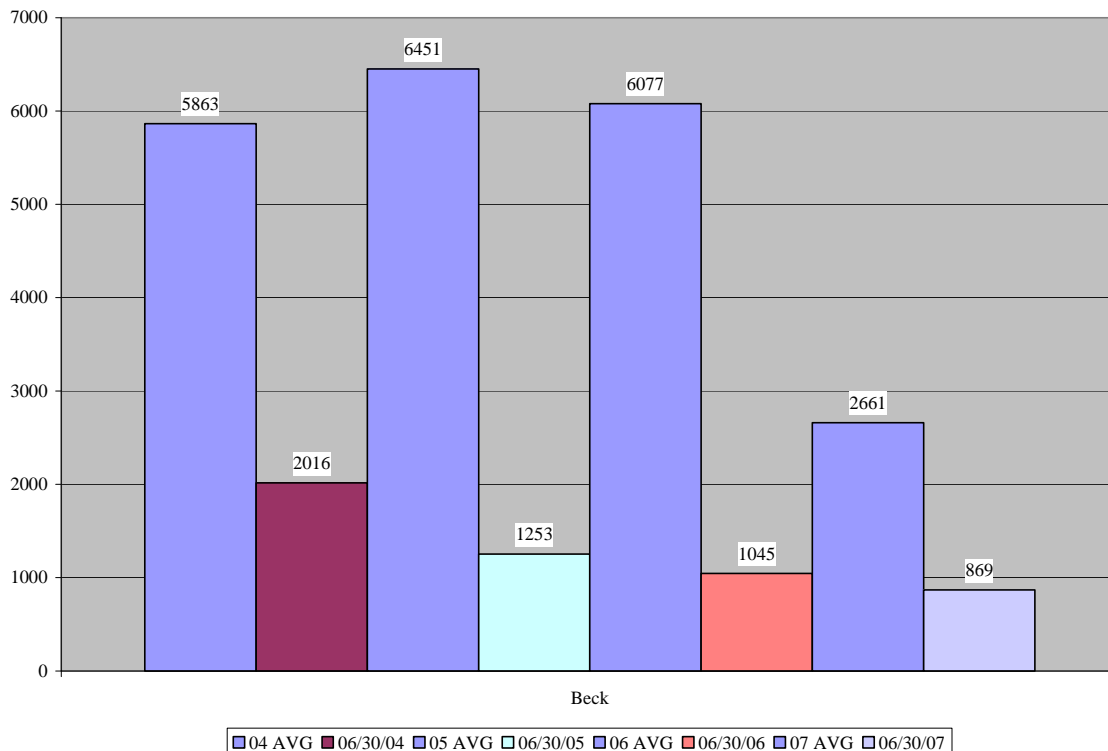
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



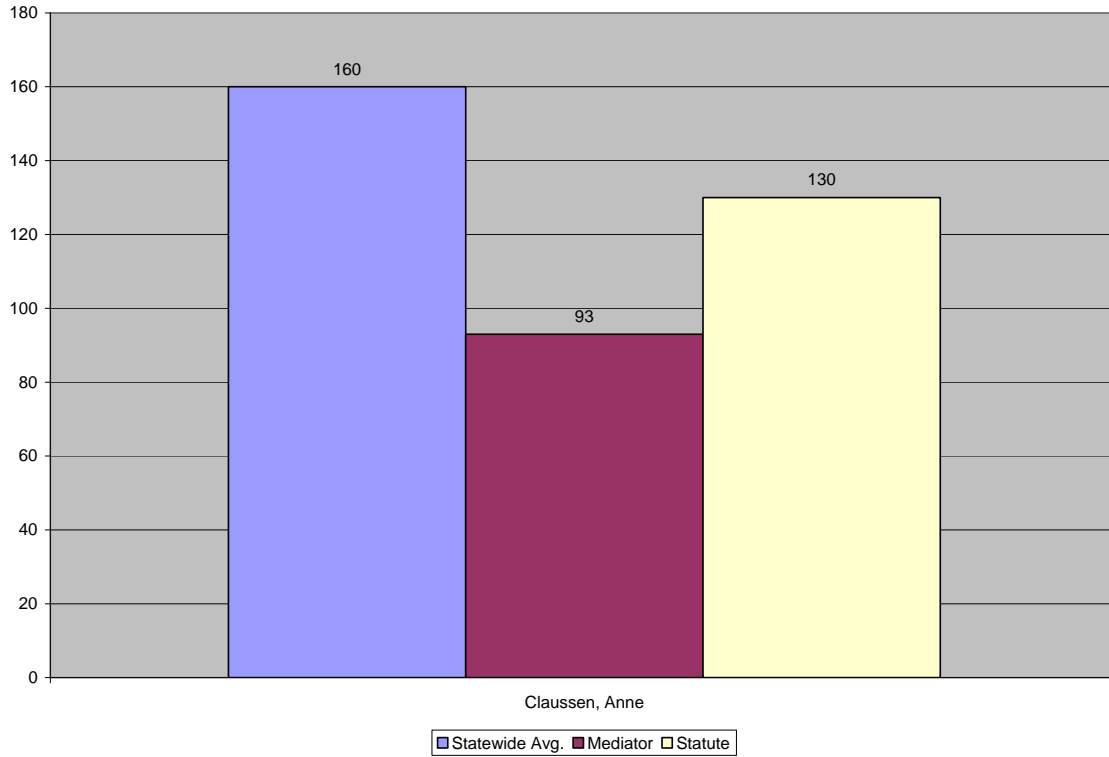
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



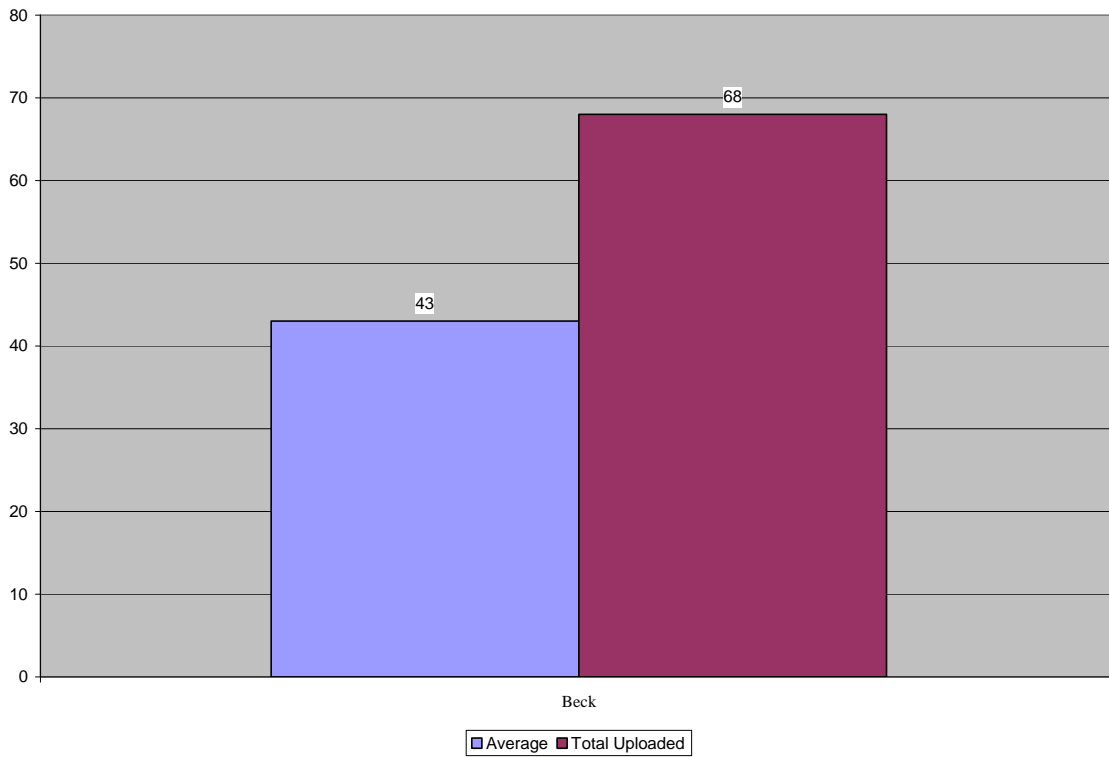
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



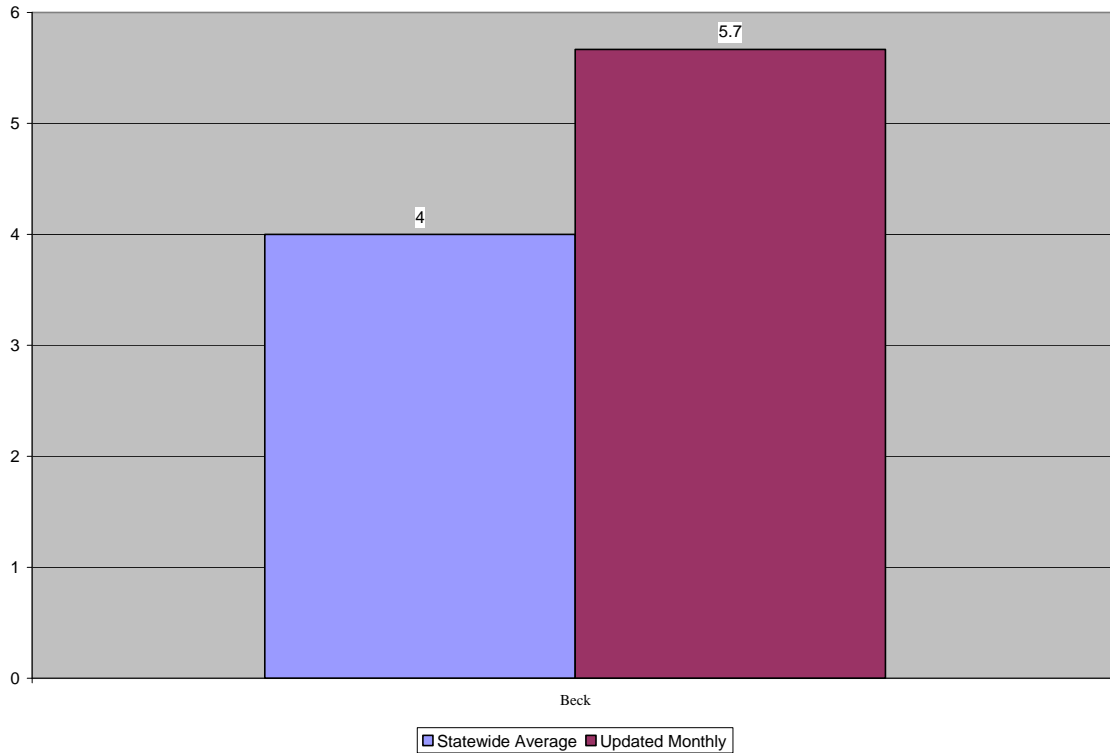
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



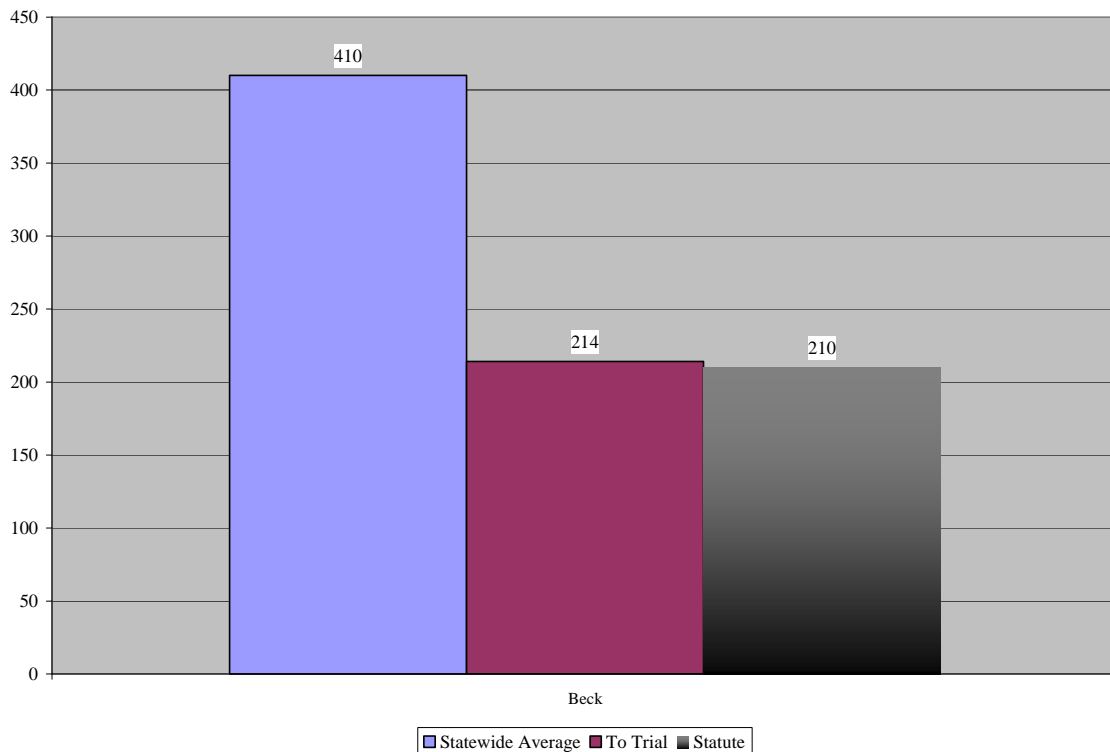
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



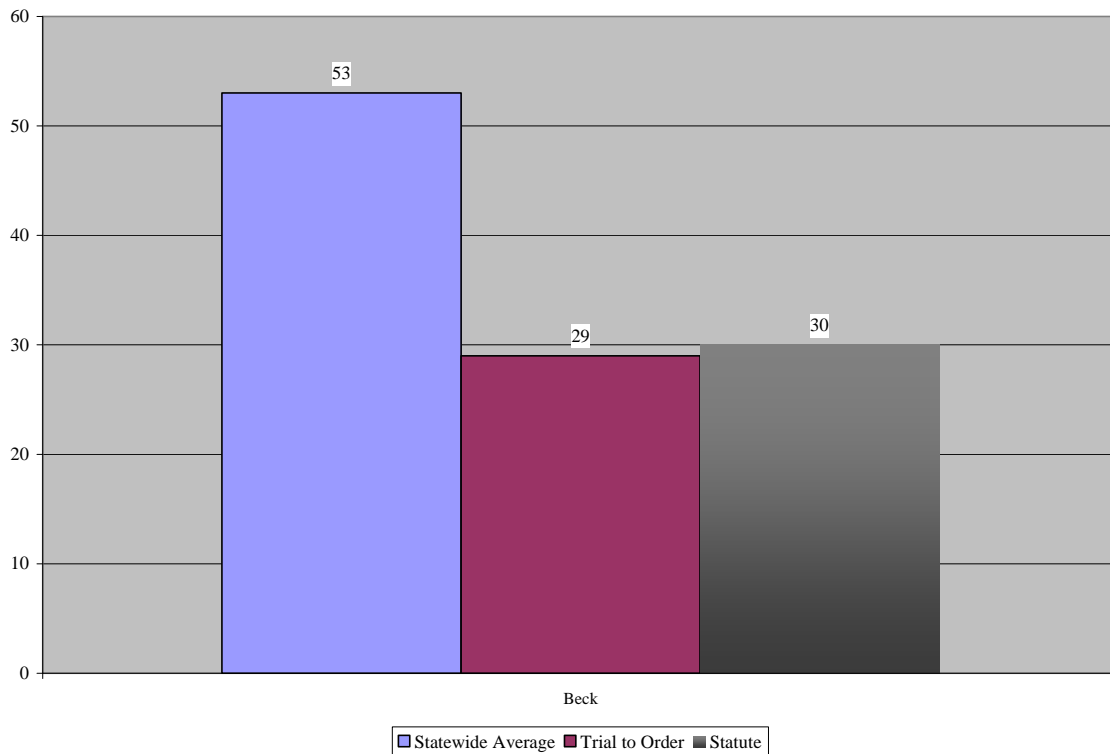
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



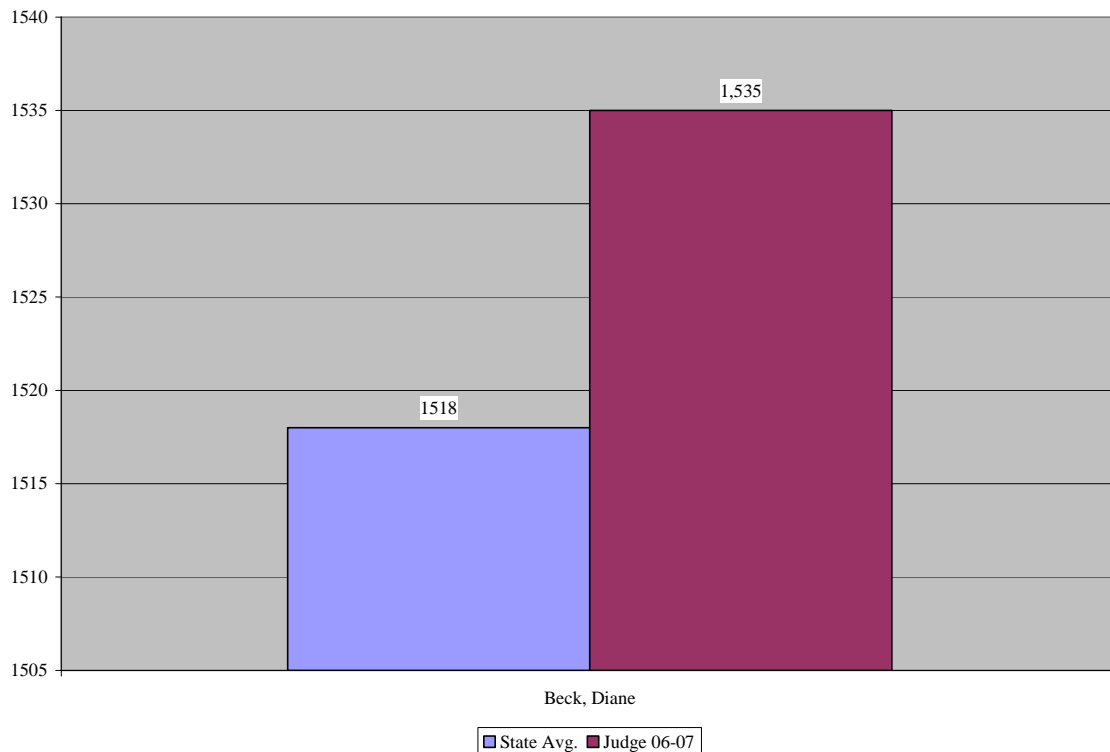
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



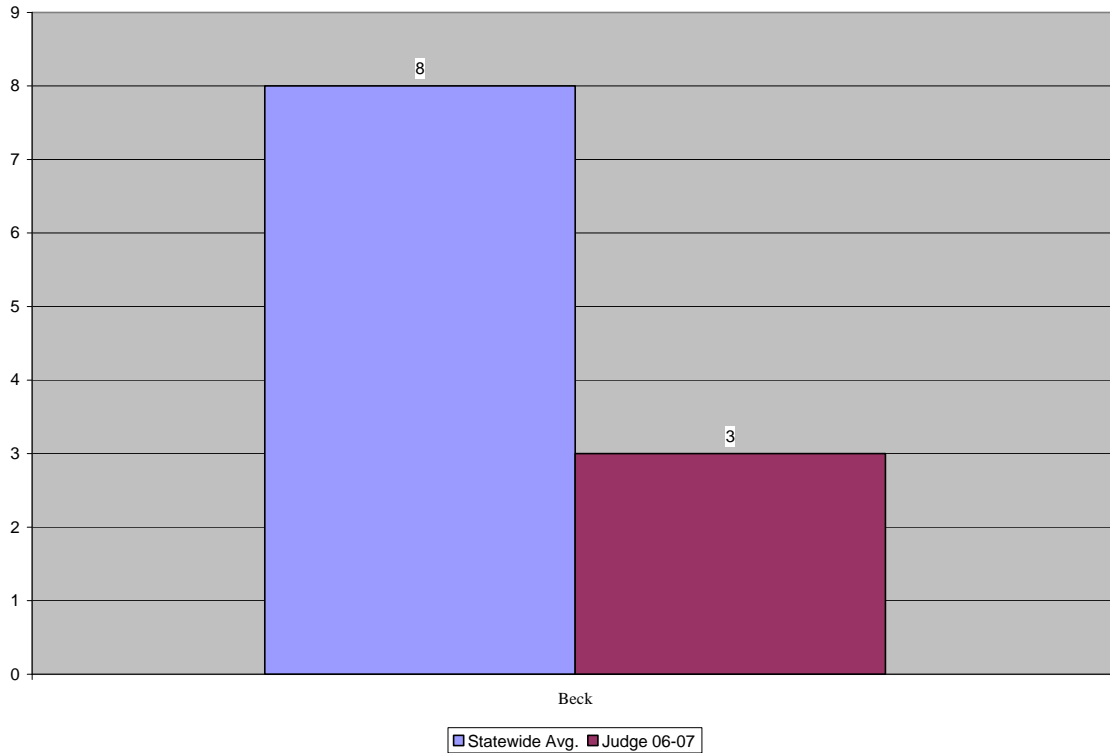
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



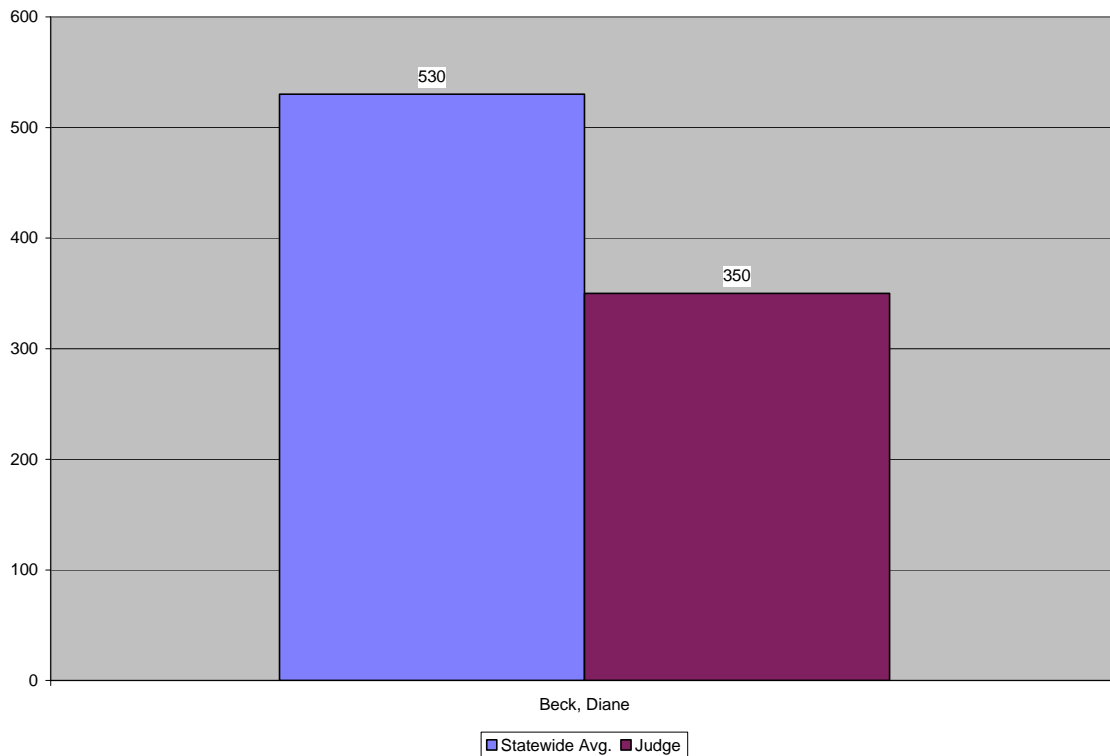
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



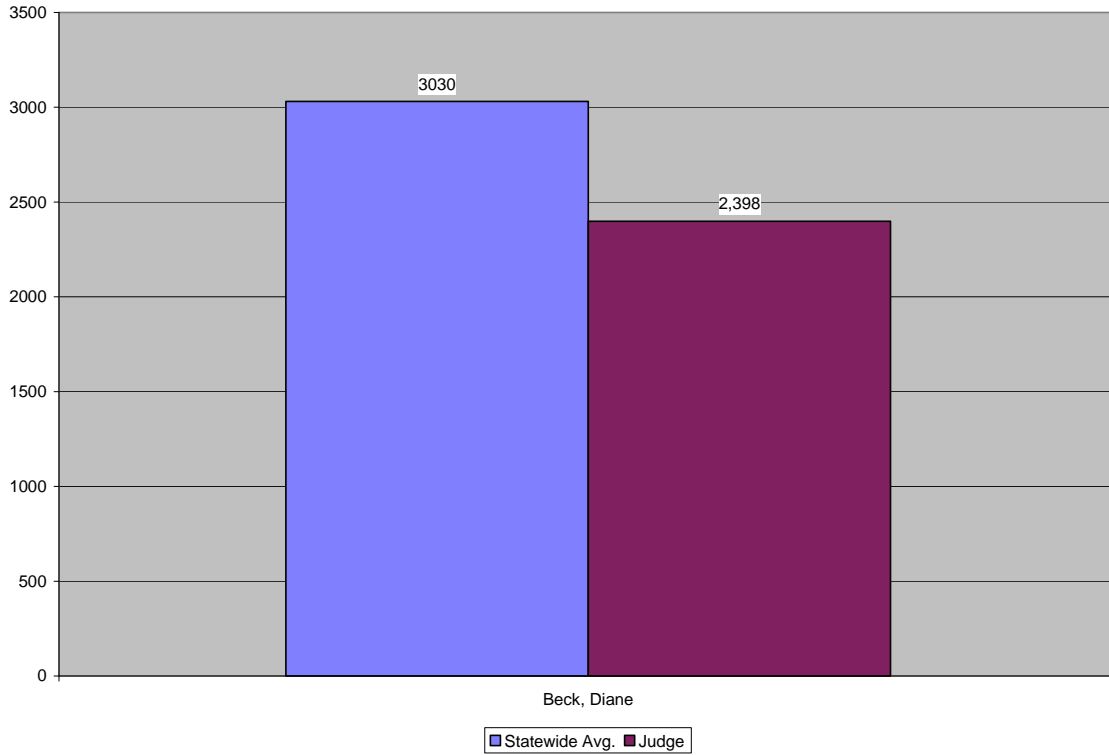
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



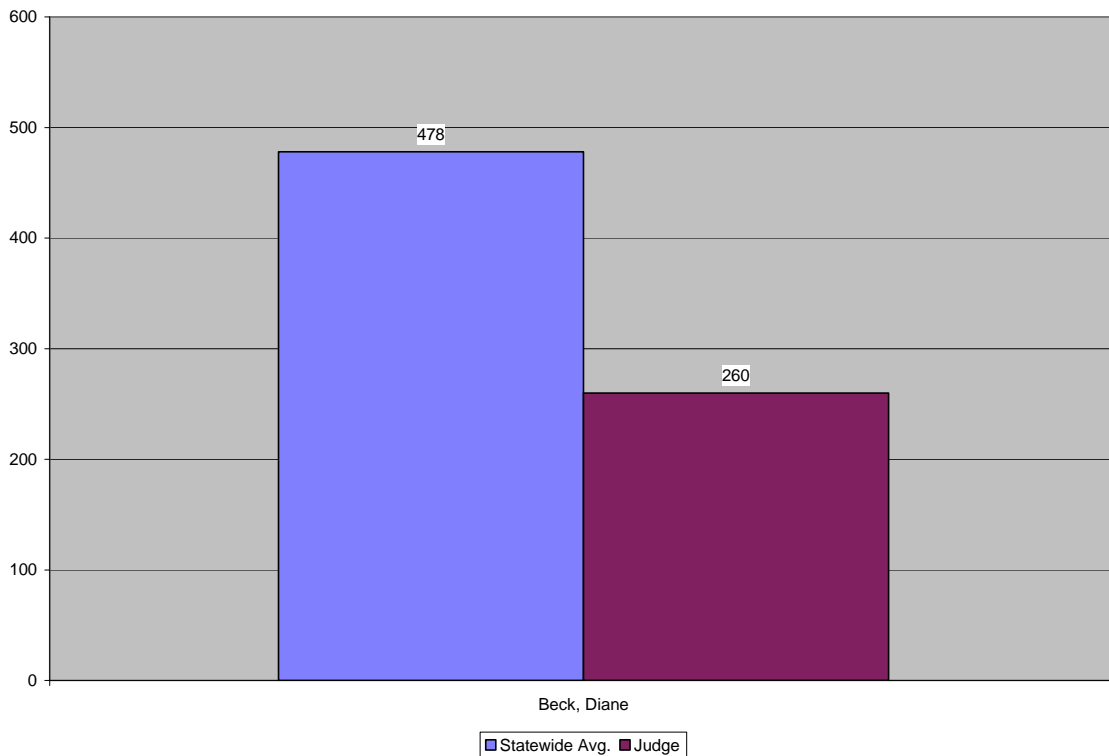
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

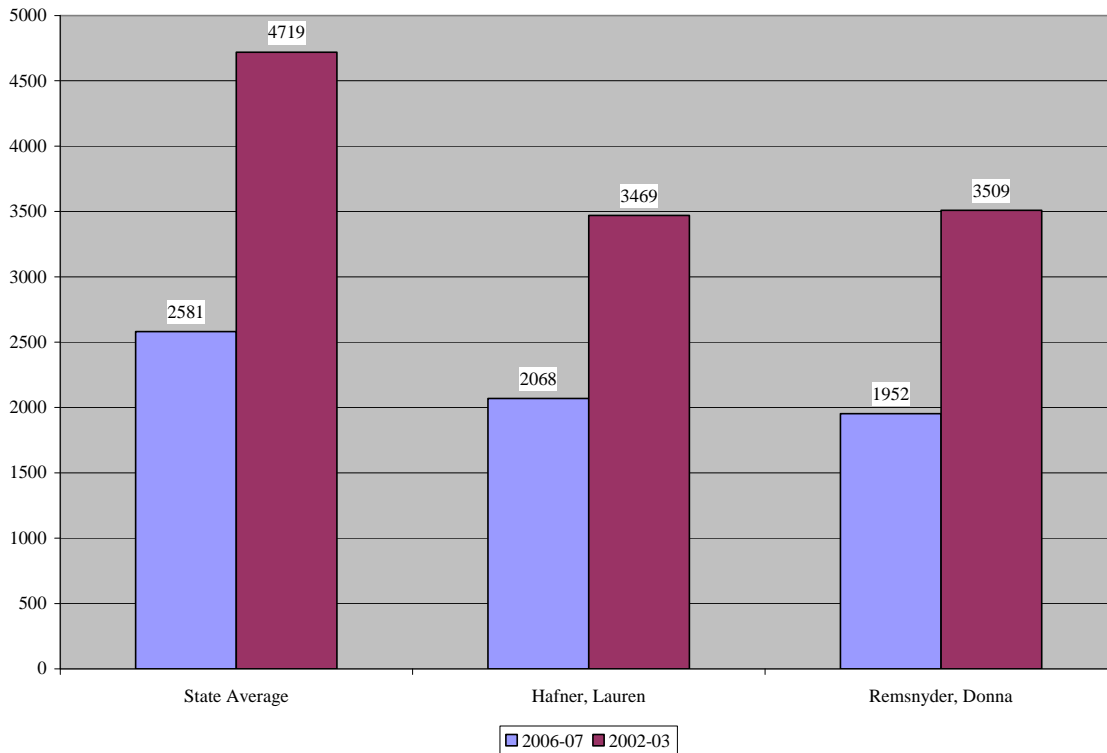


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

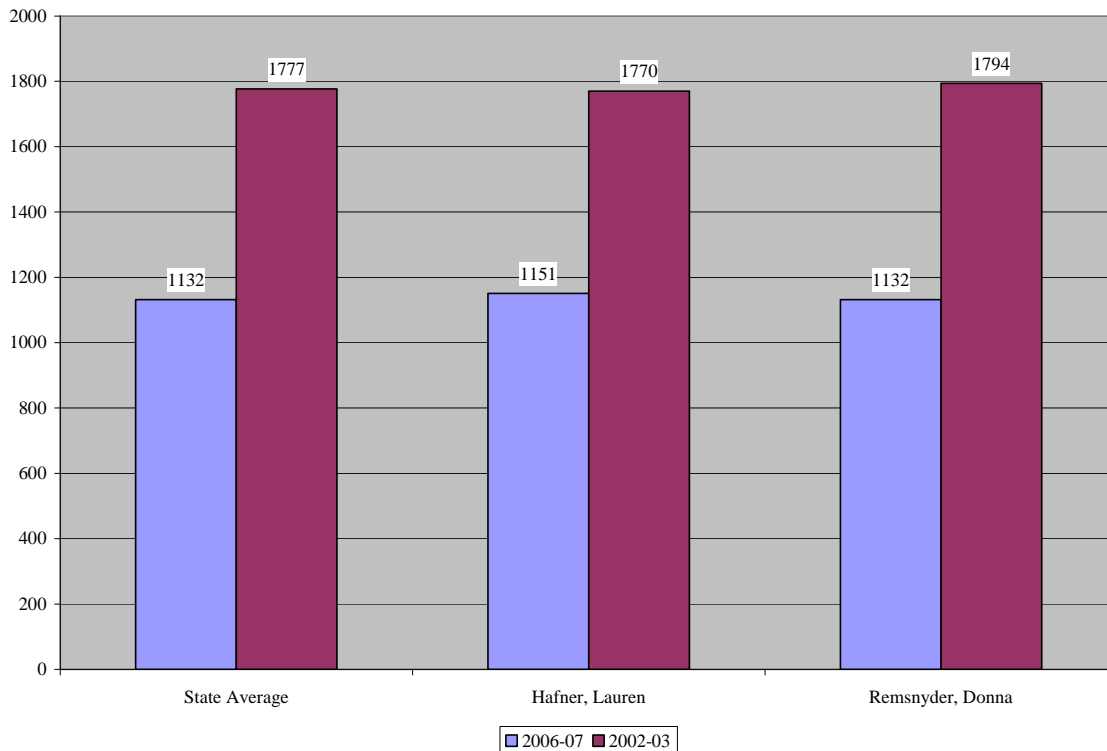


Appendix “16” District STP (JCC Haffner, JCC Remsnyder):

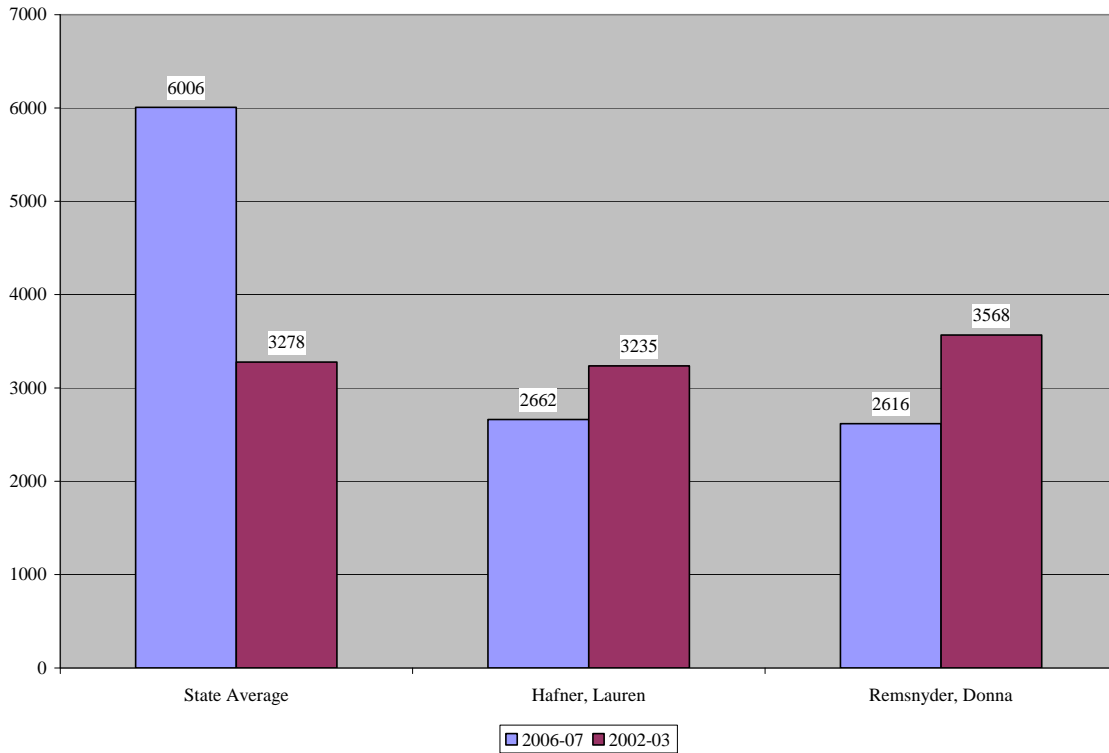
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



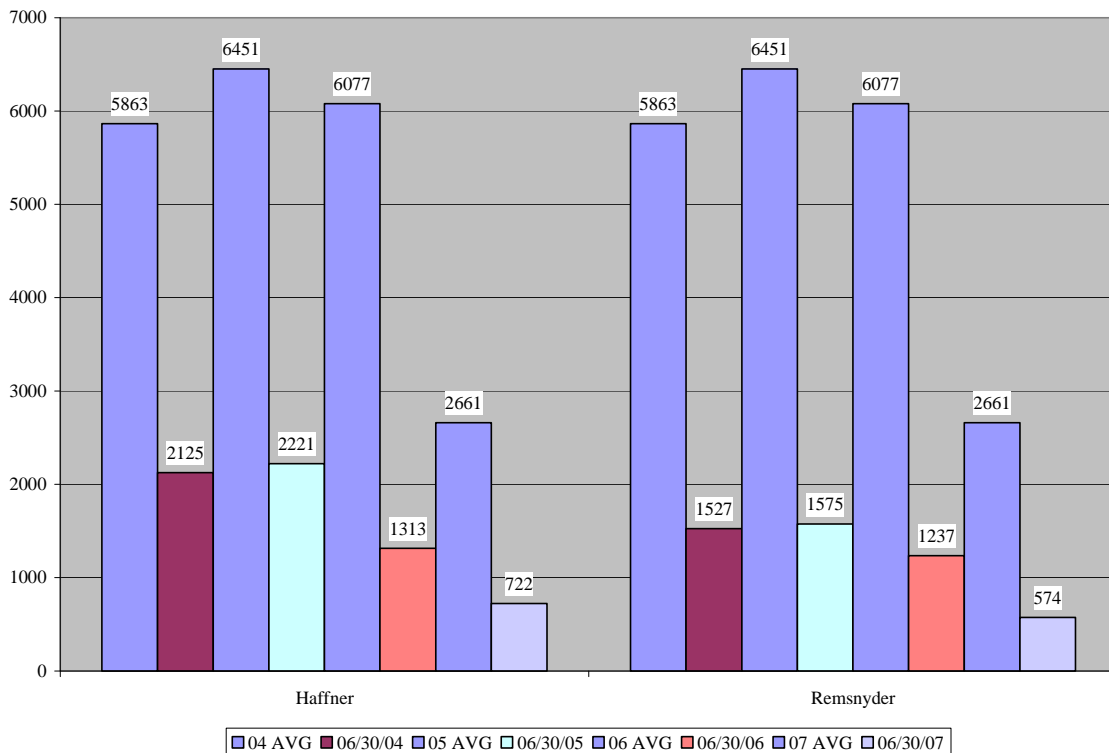
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



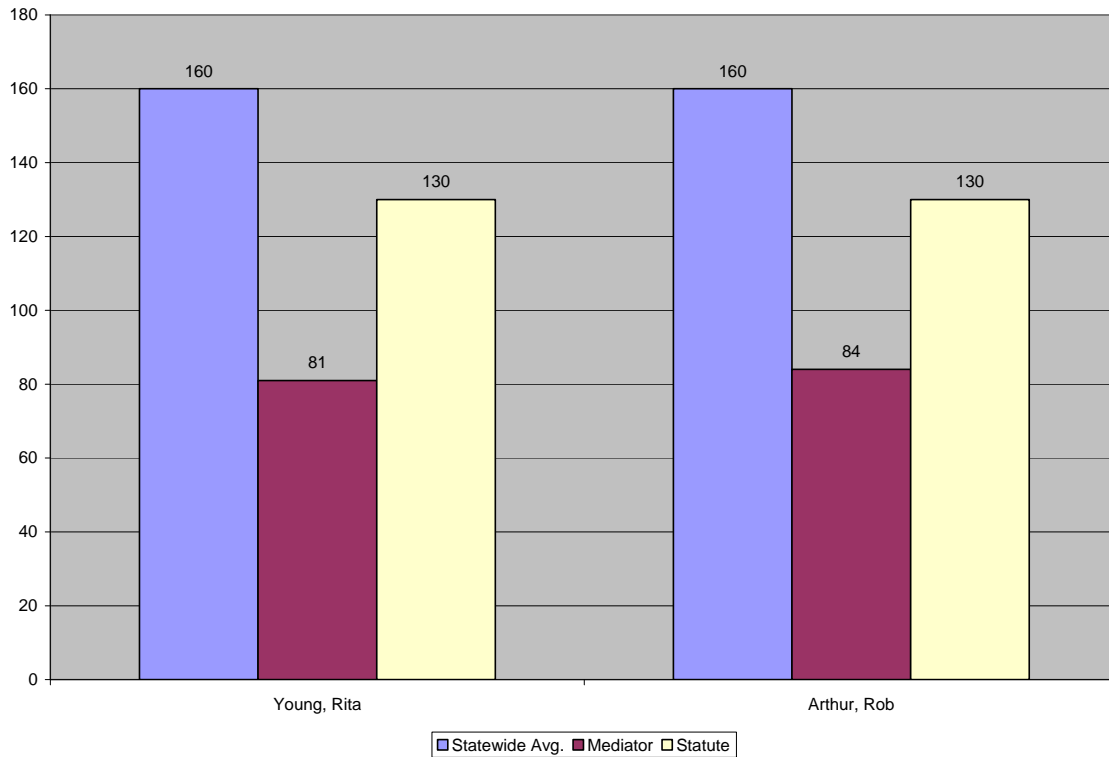
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



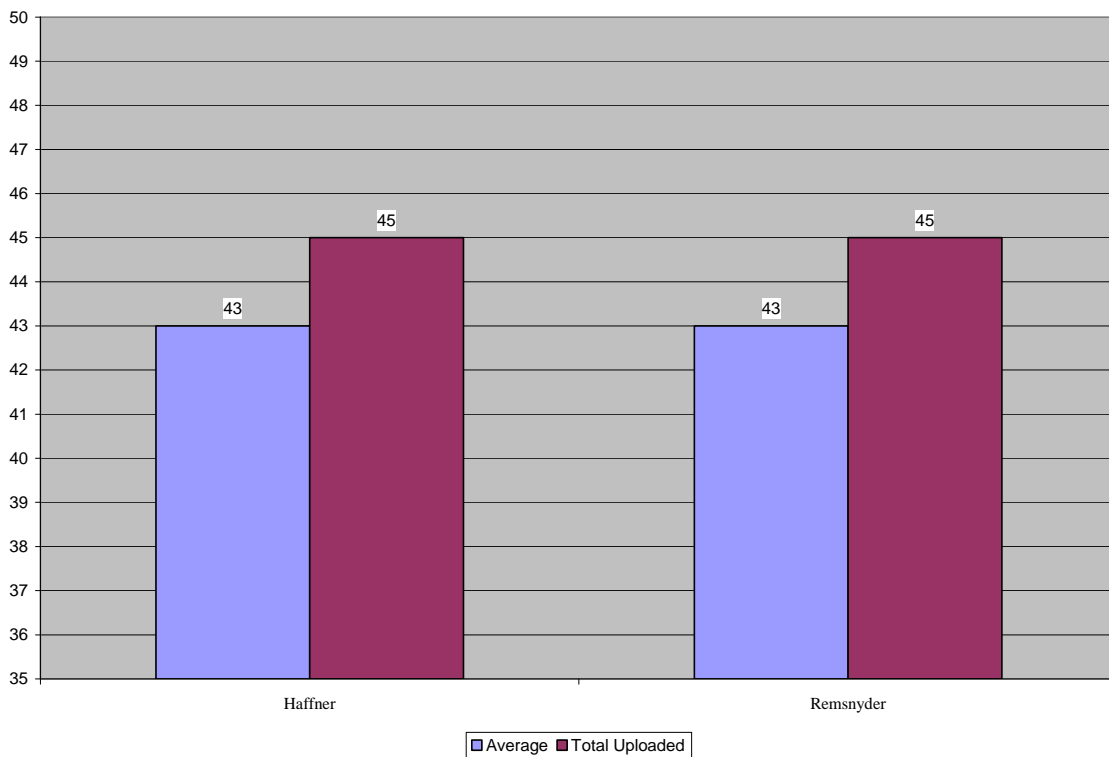
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



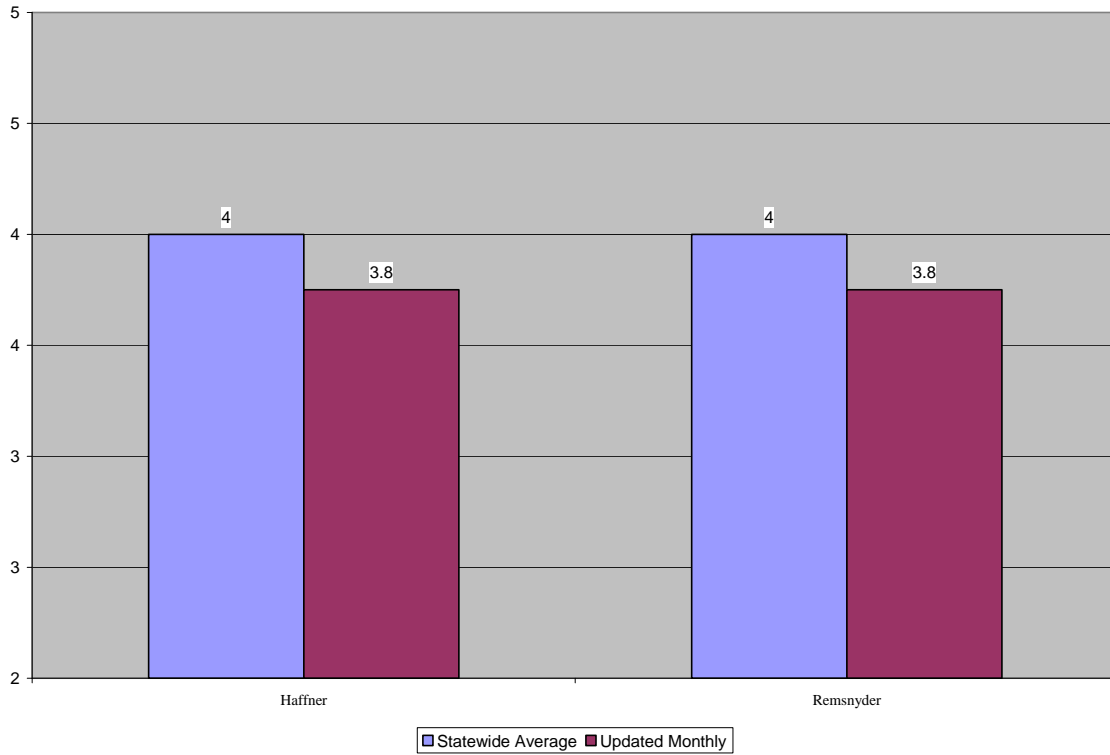
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



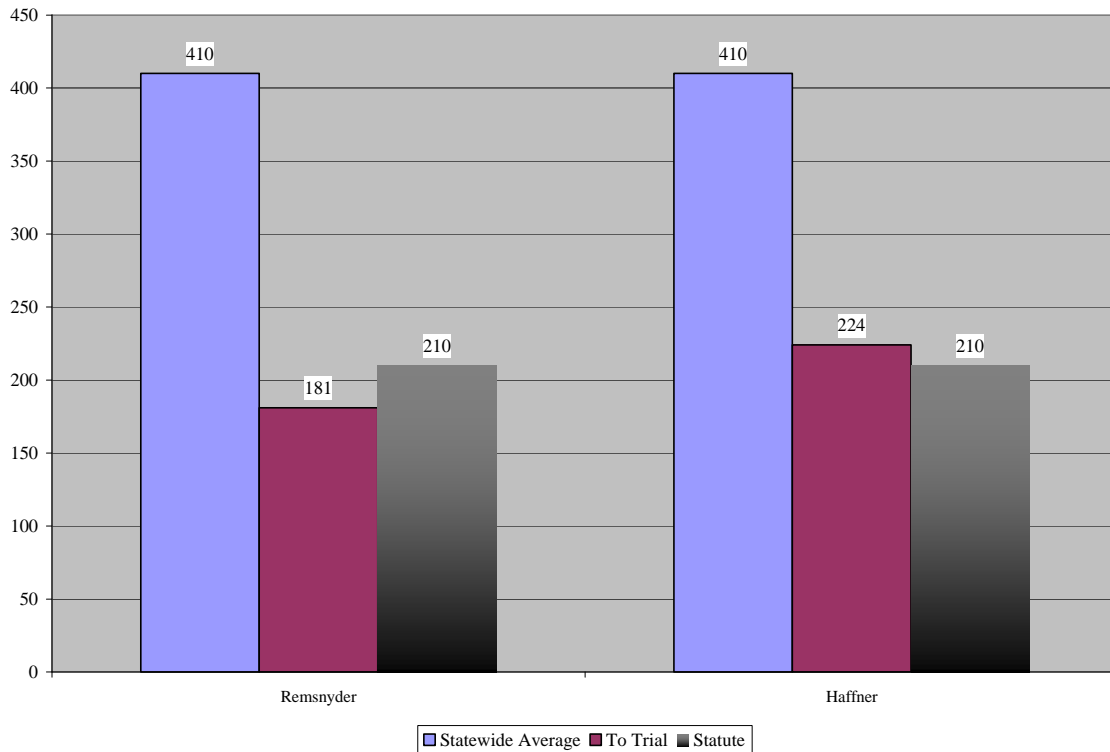
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



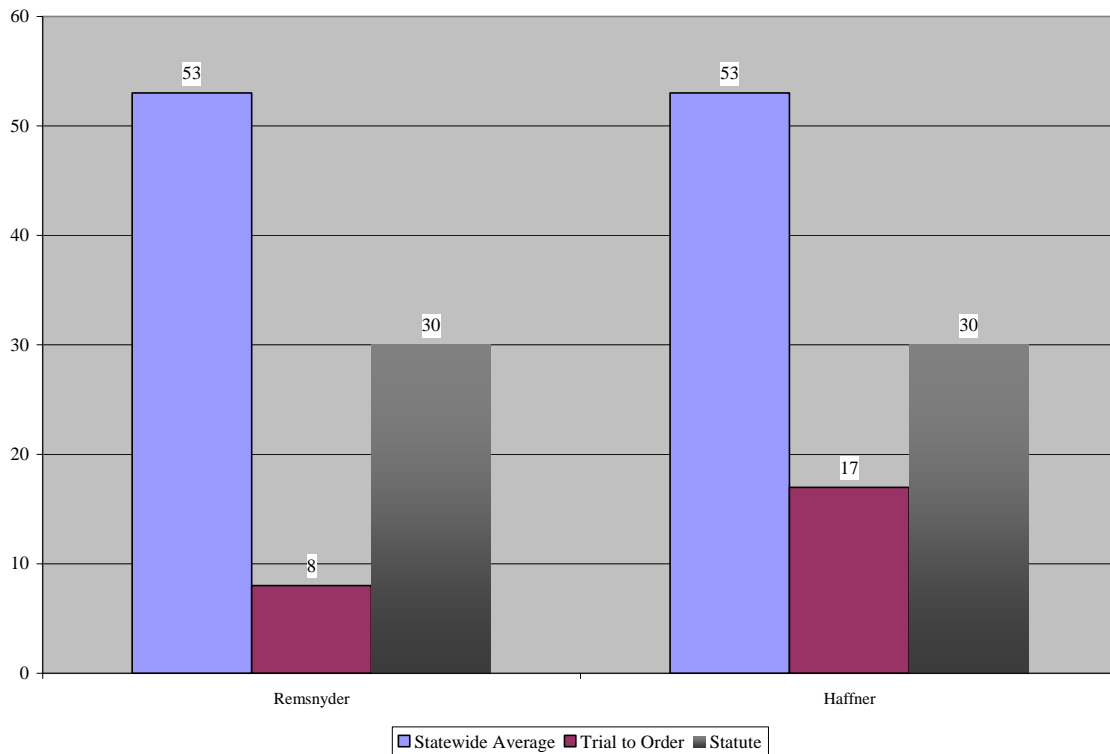
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



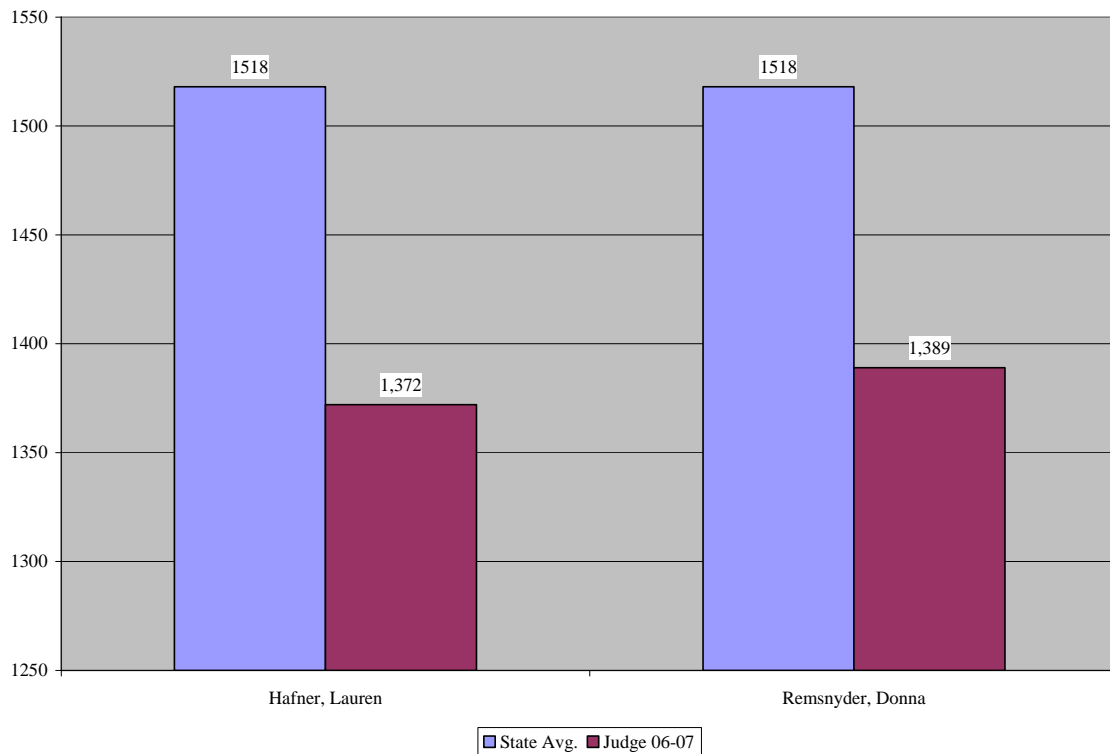
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



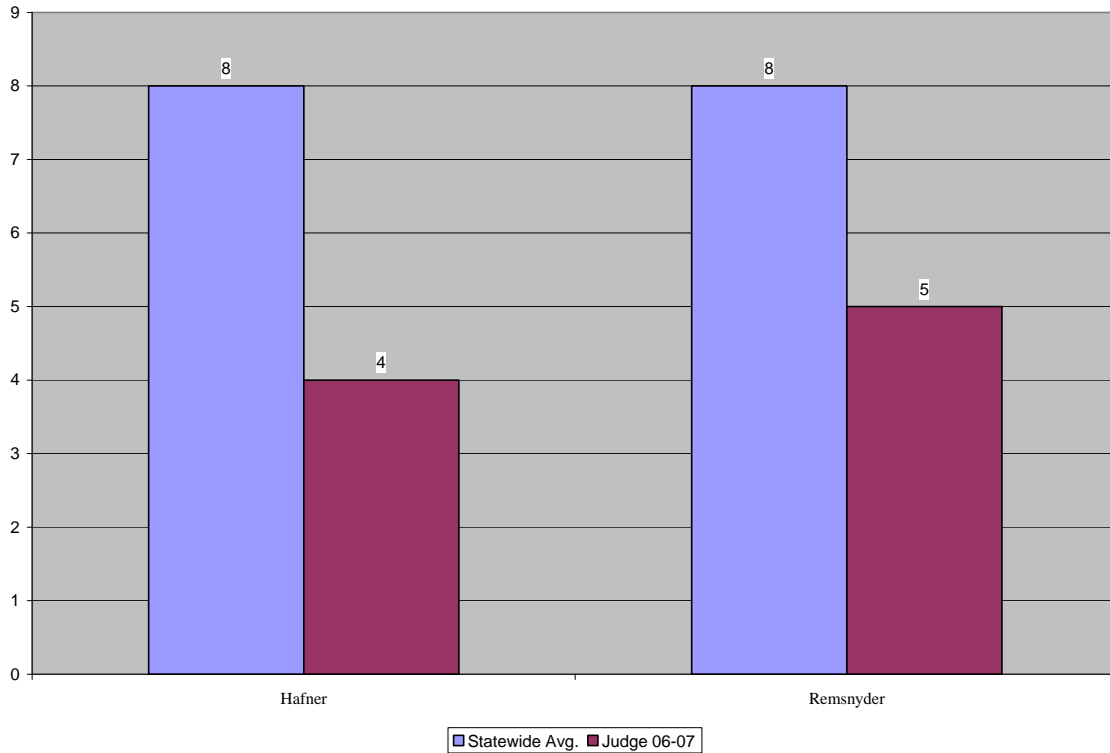
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



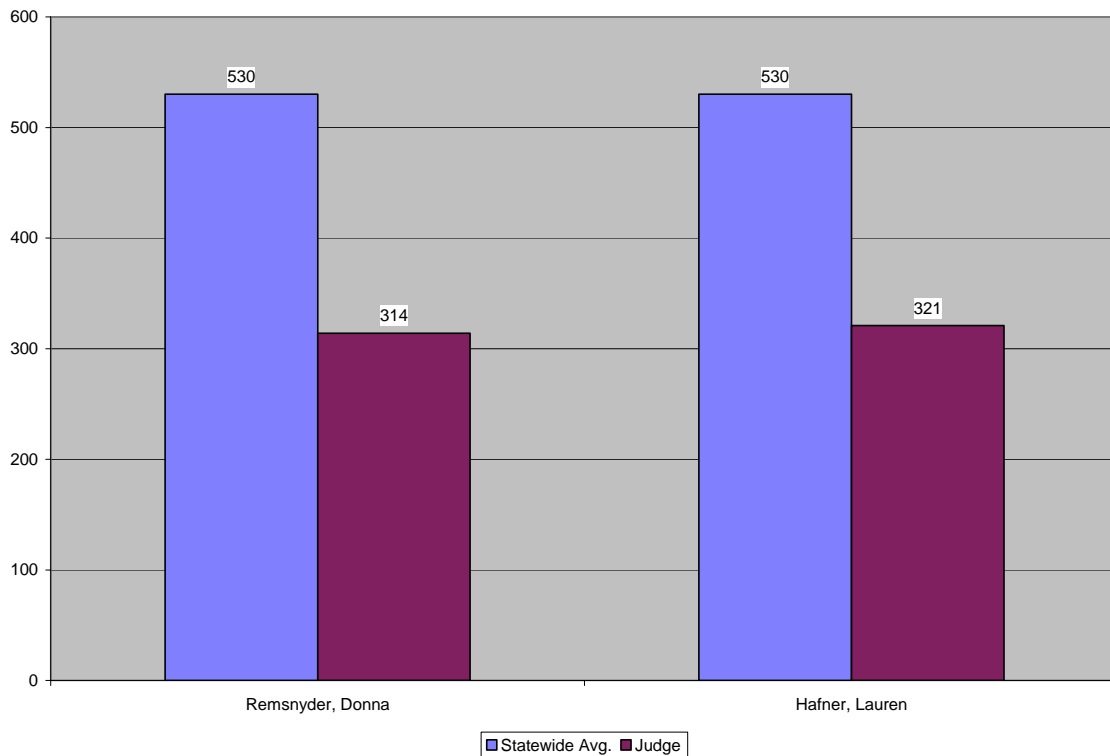
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



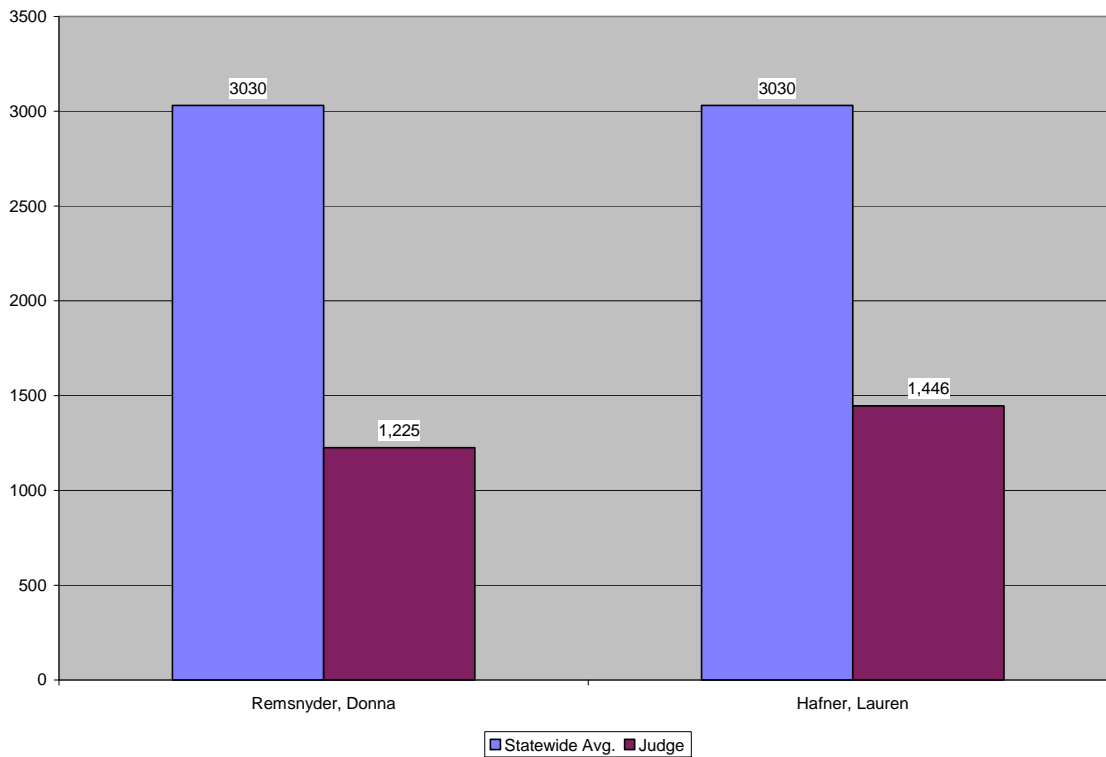
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



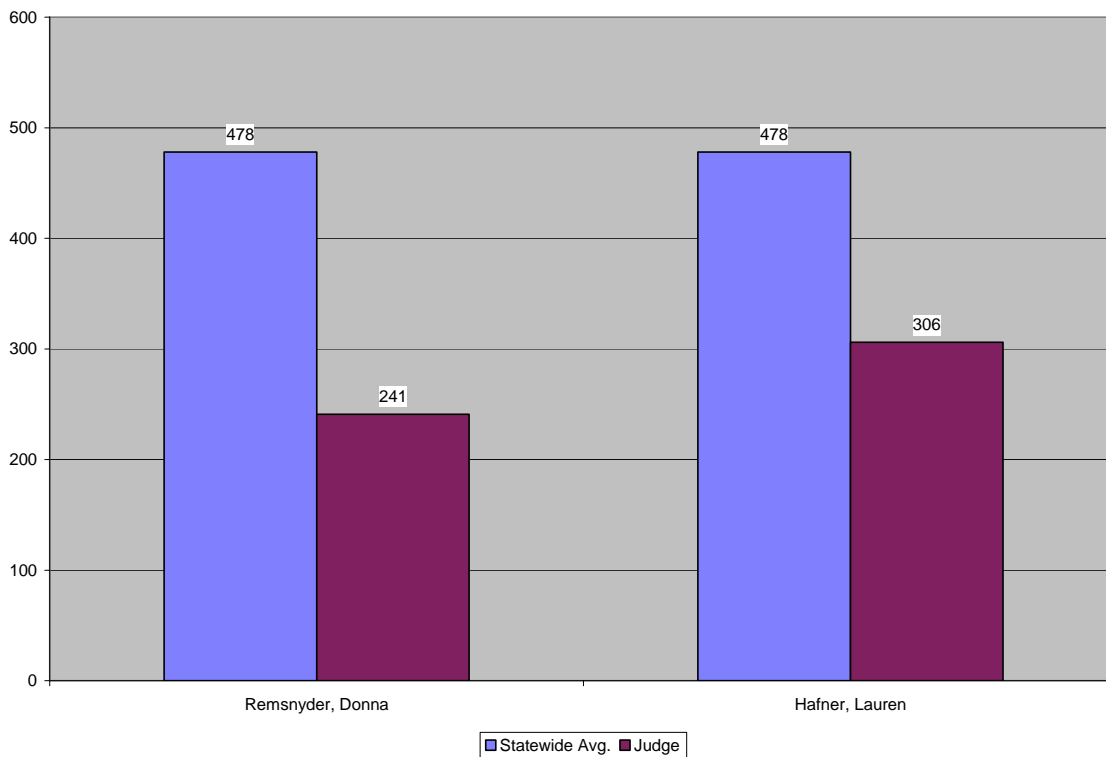
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

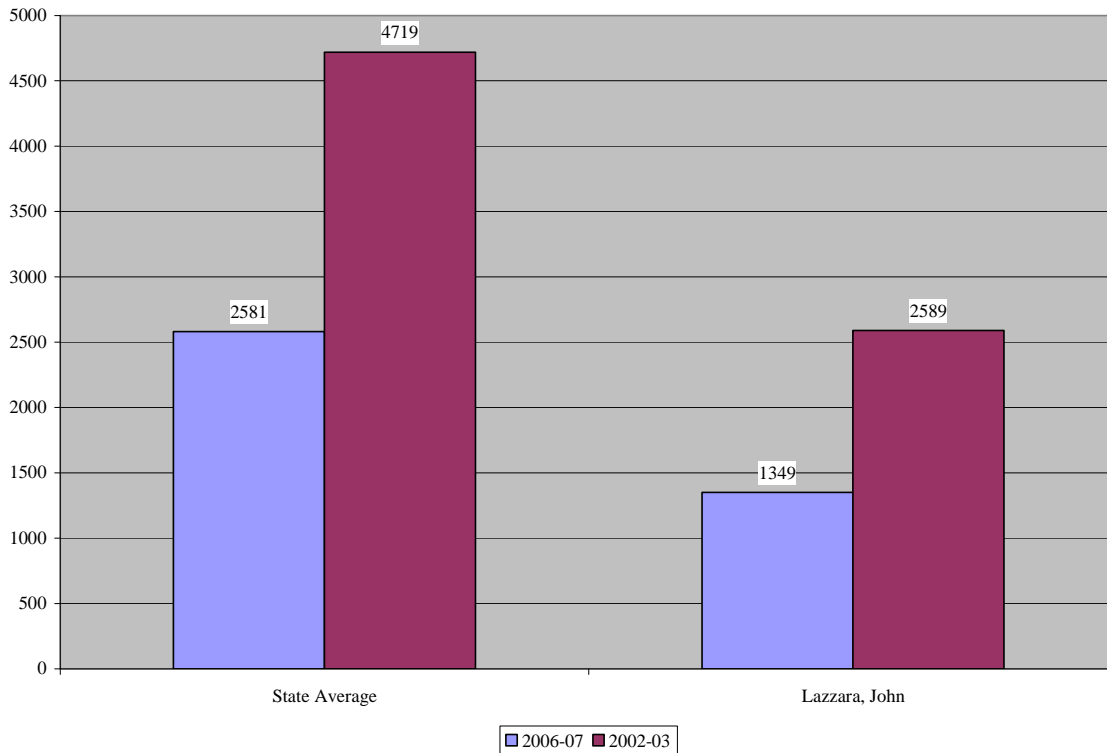


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

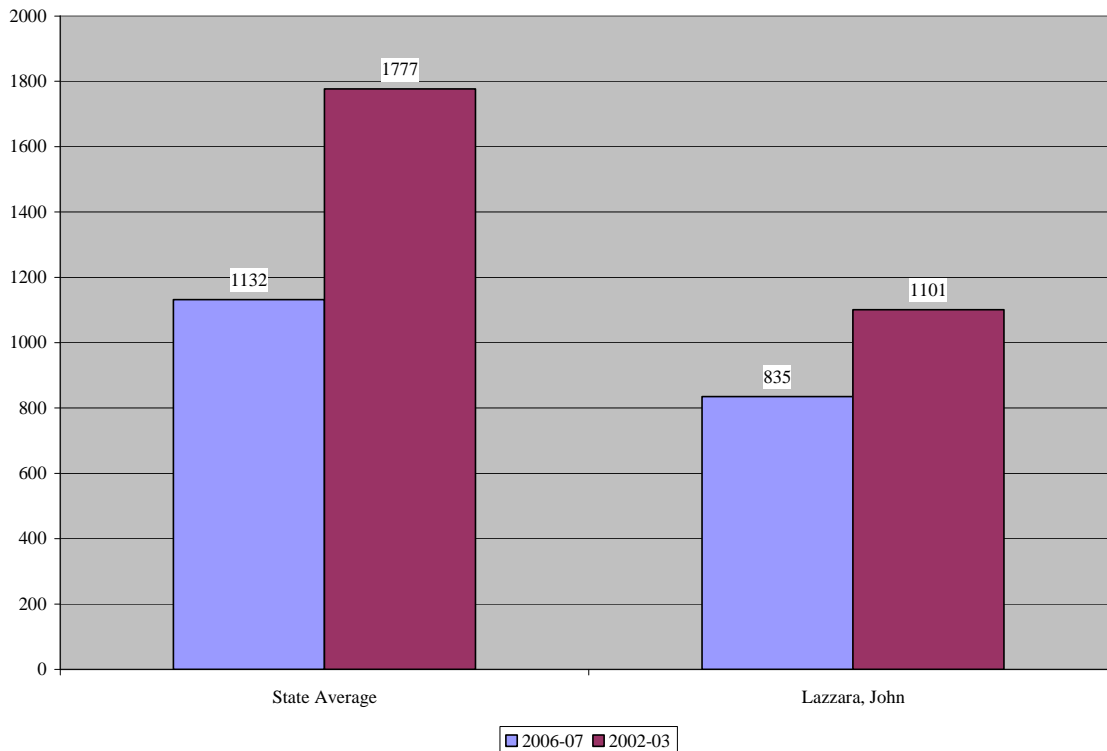


Appendix “17” District TLH (JCC Lazzara):

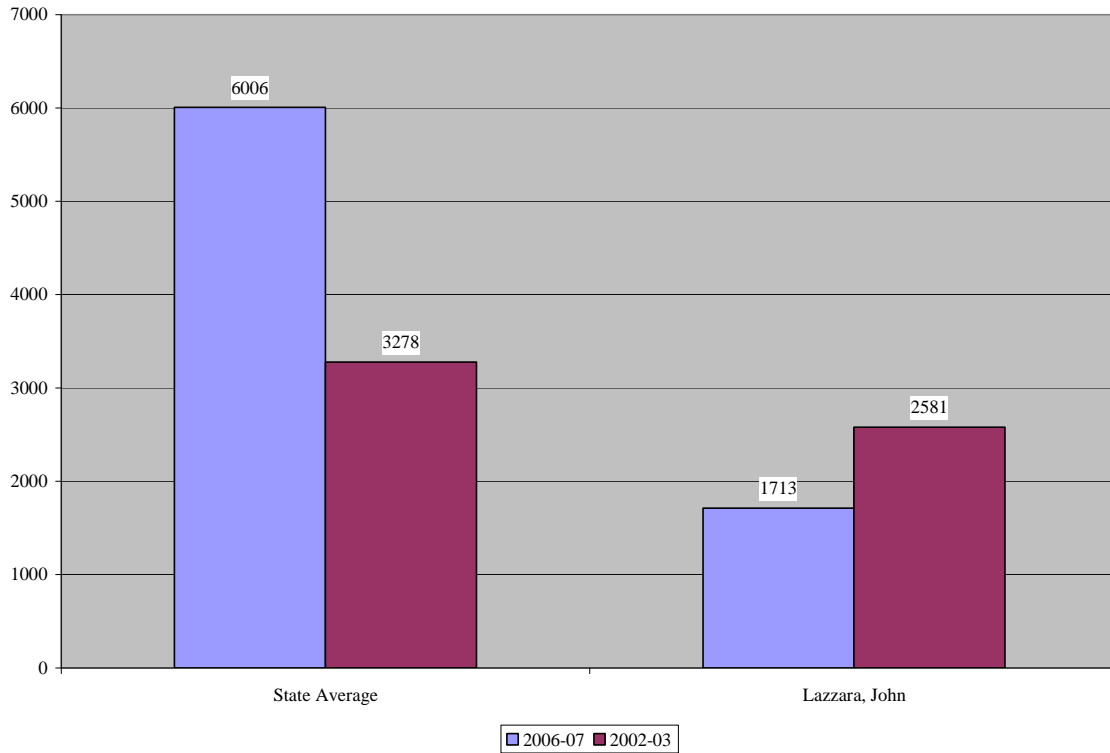
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



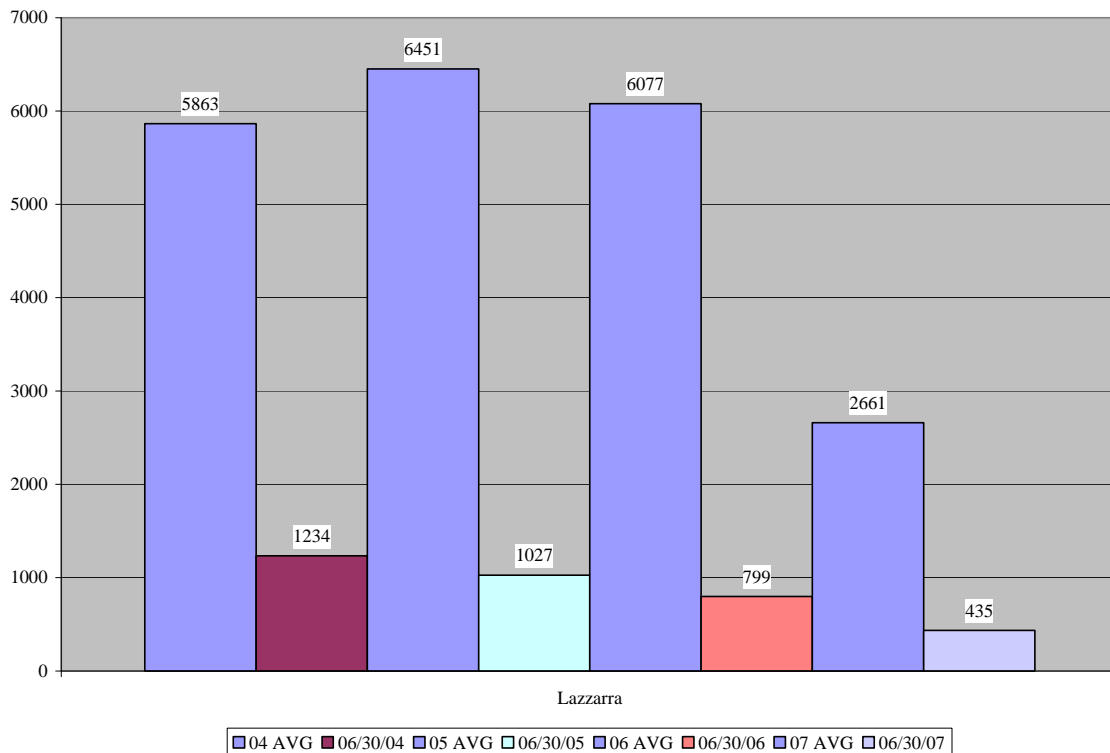
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



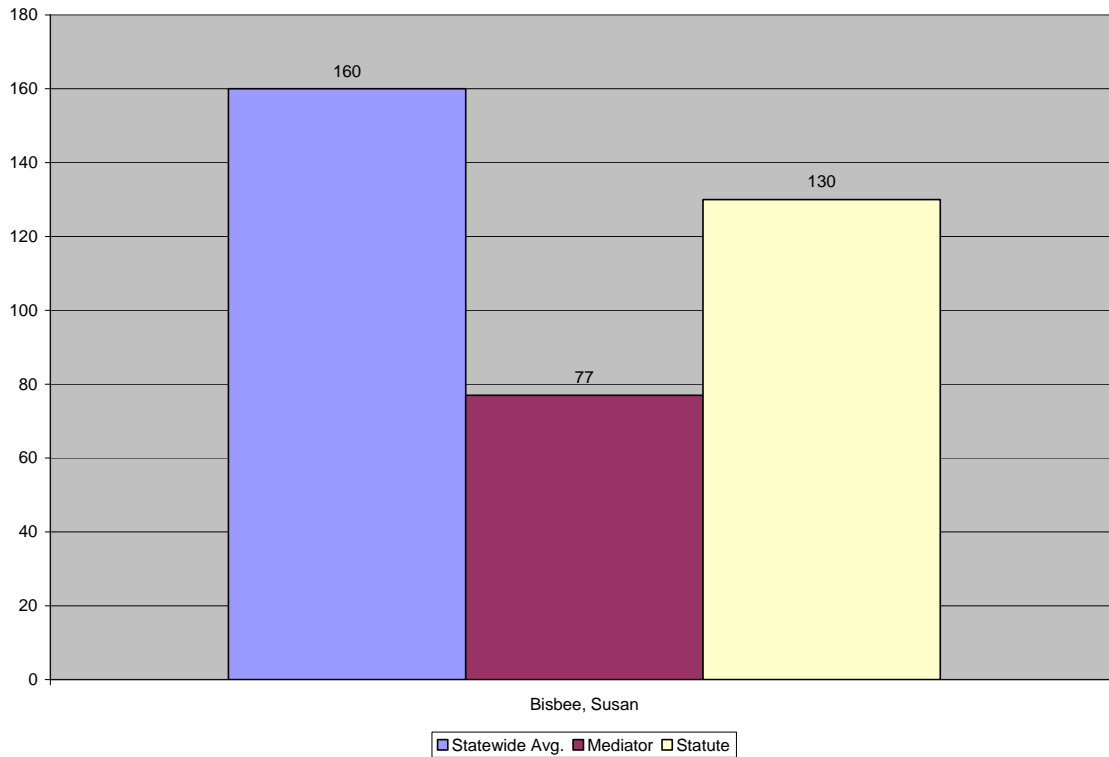
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



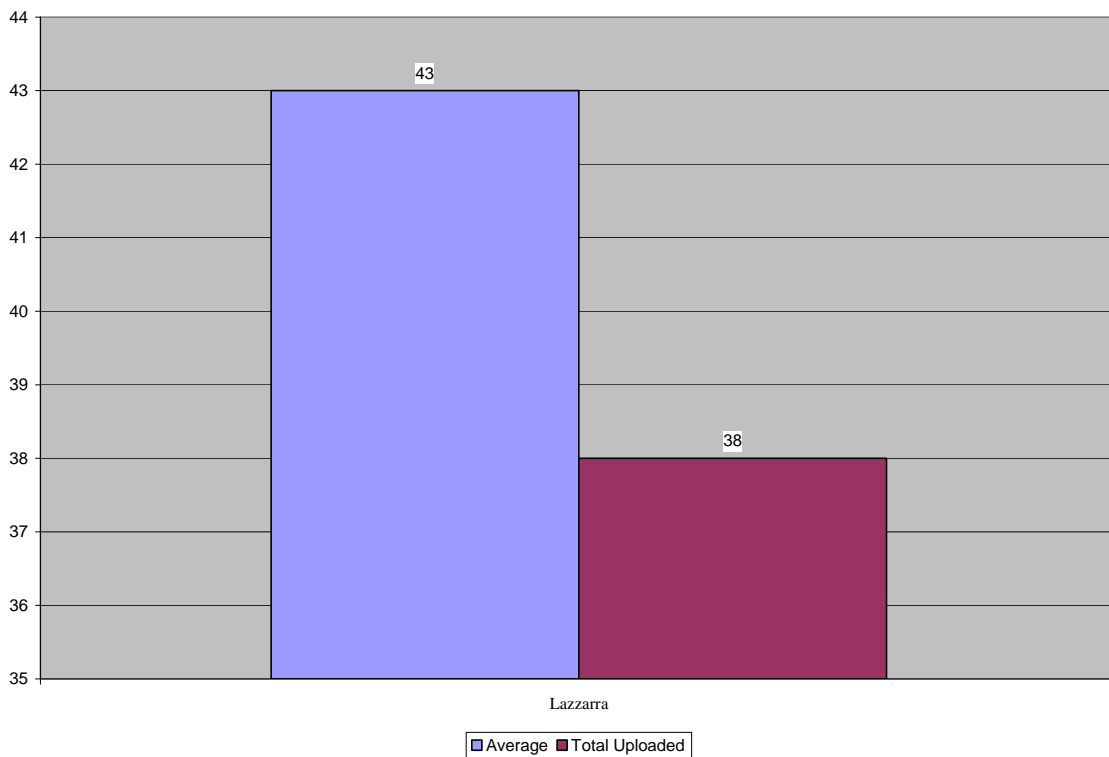
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



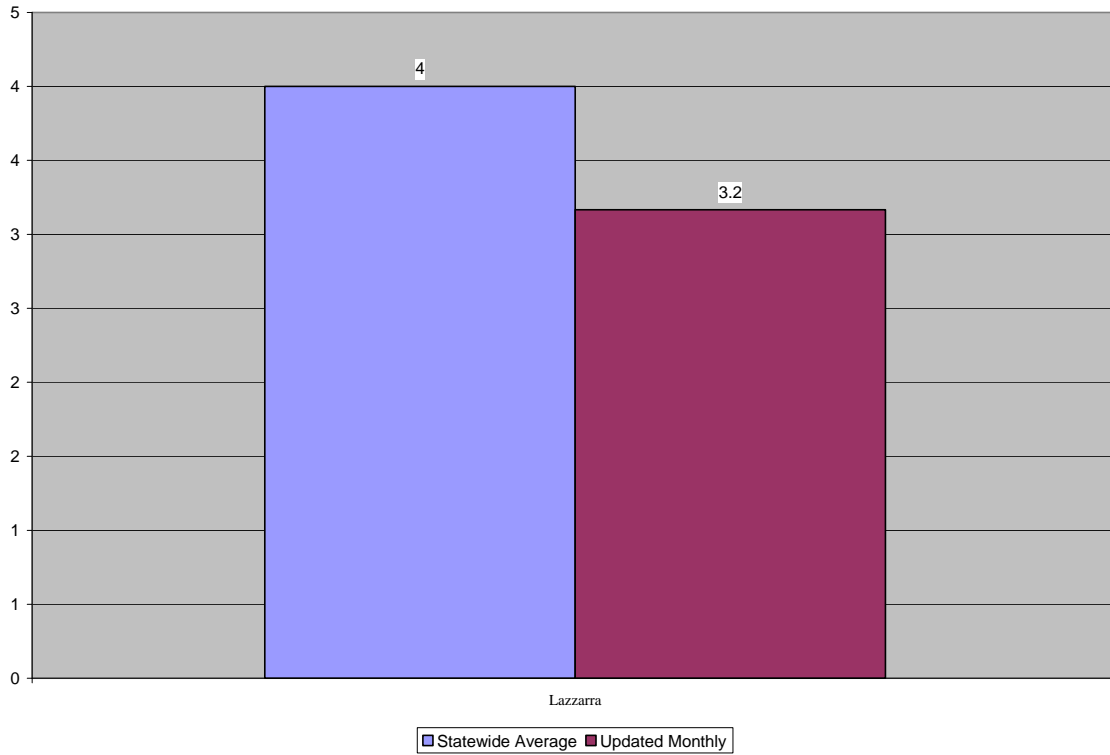
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



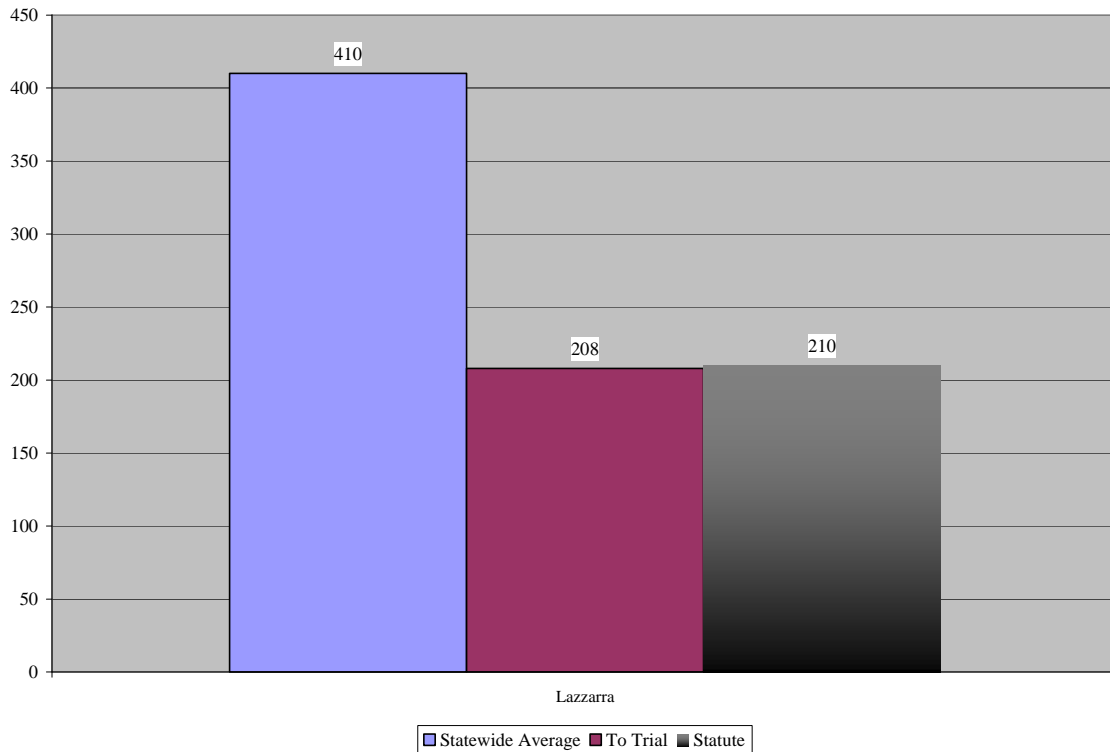
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



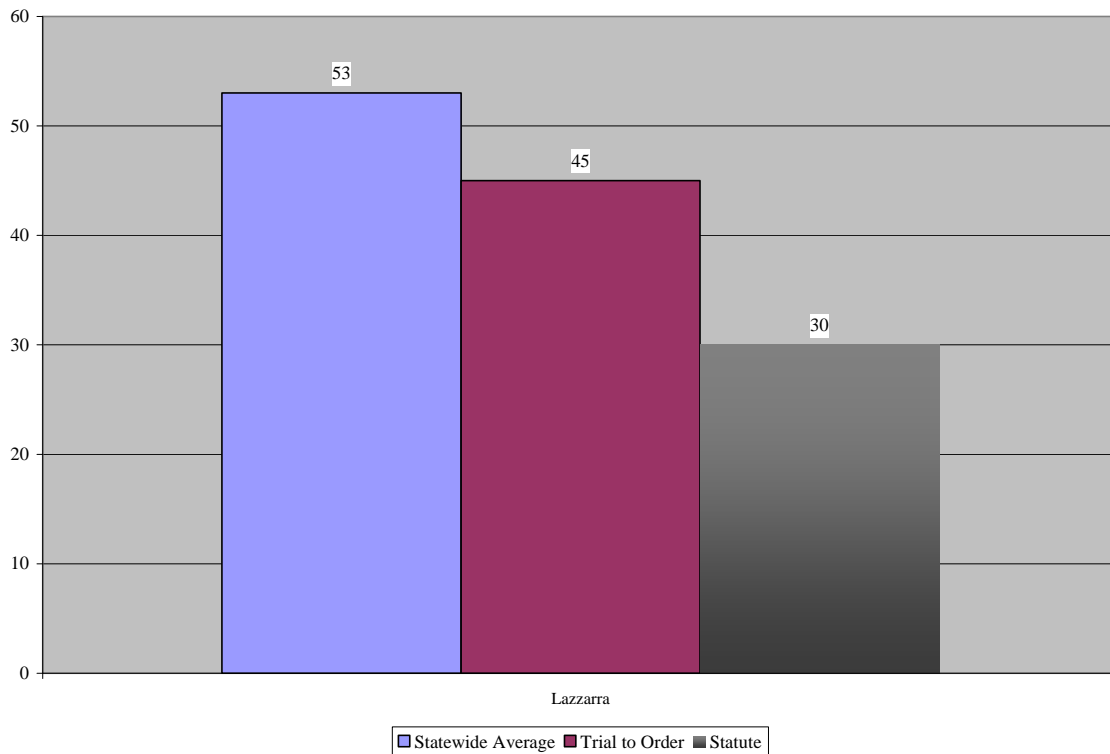
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



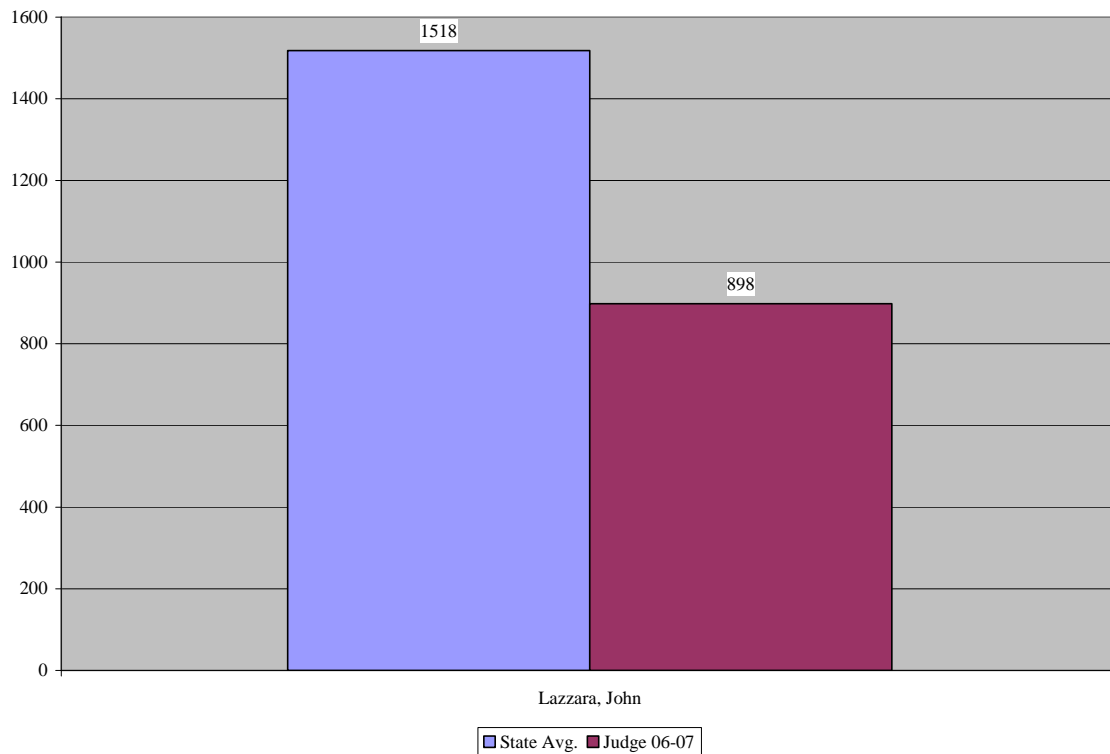
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



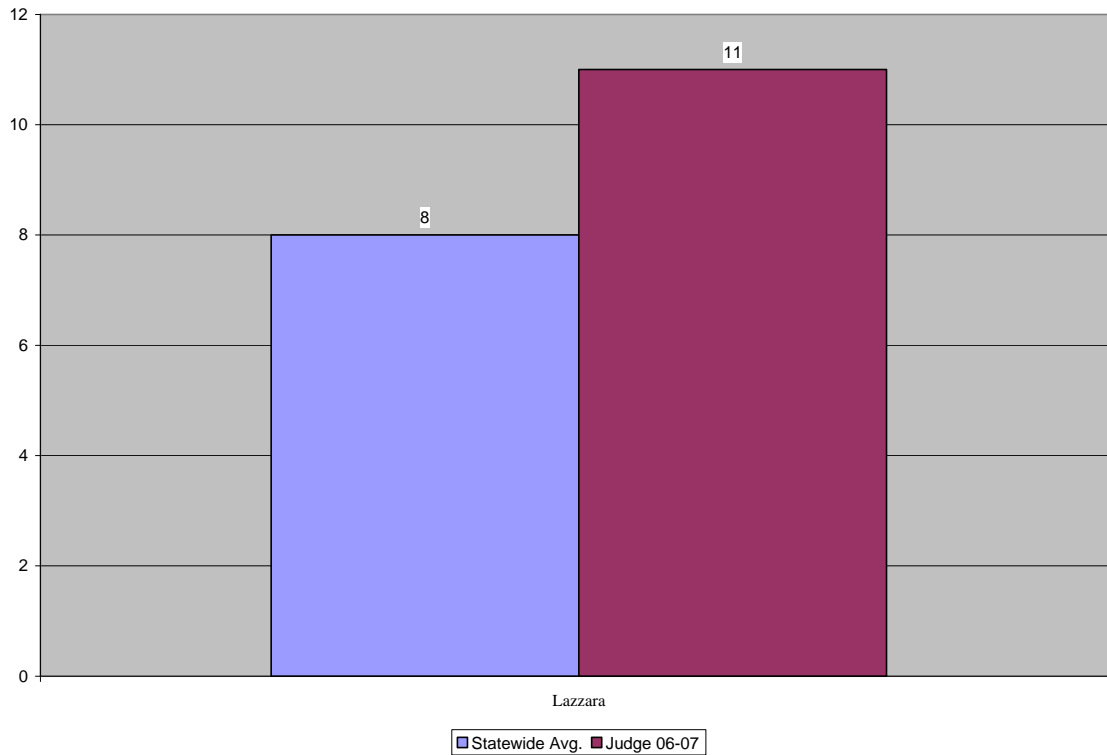
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



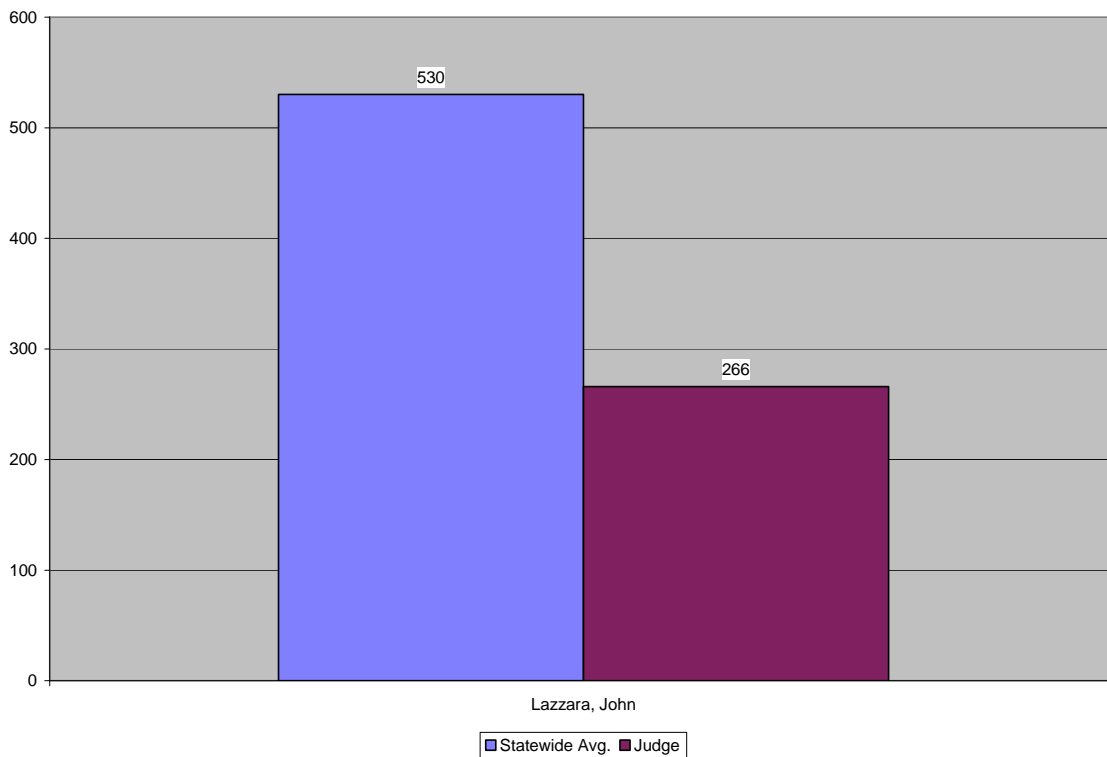
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



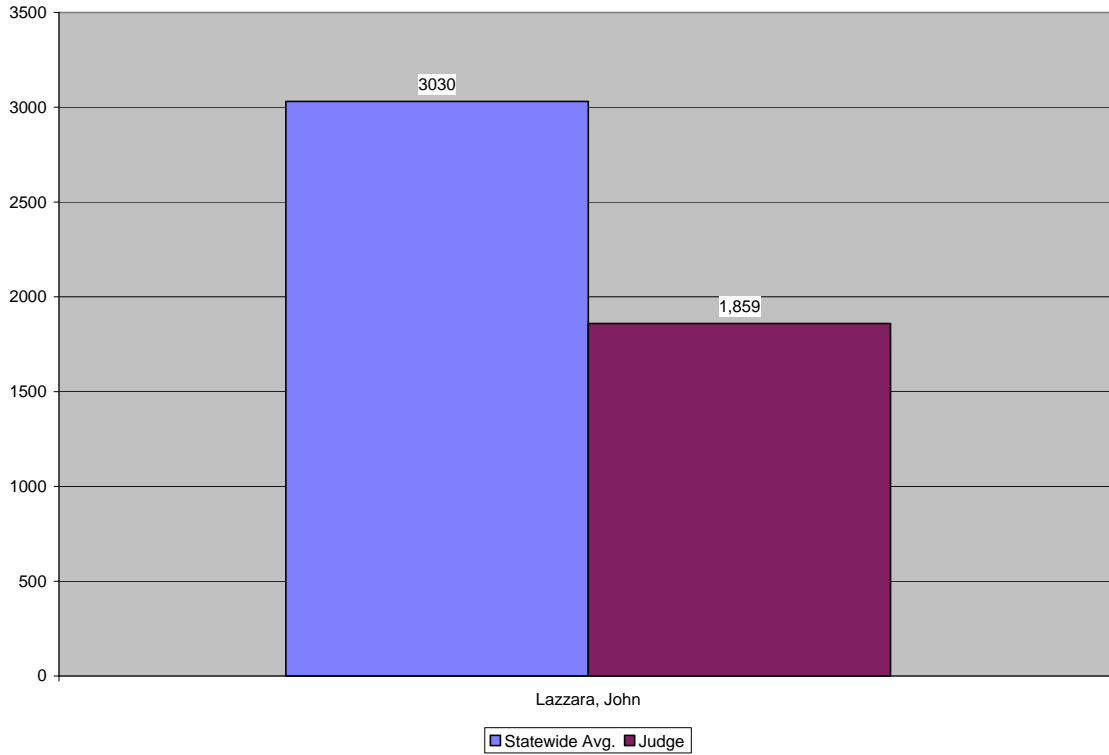
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



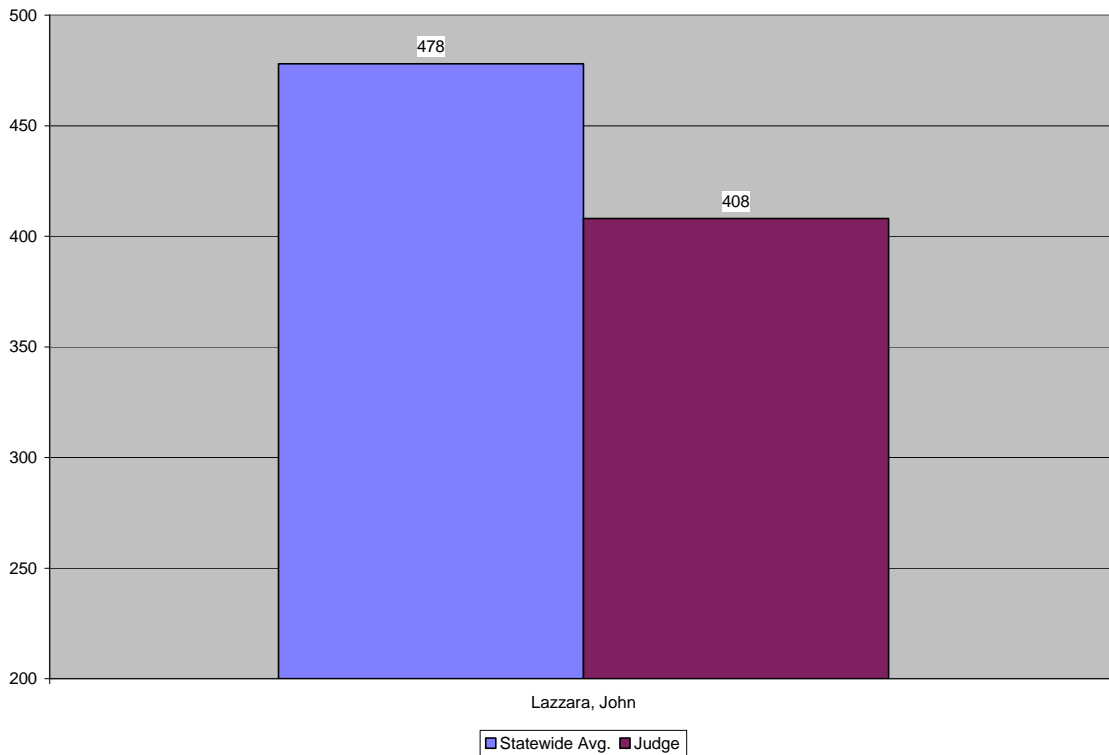
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

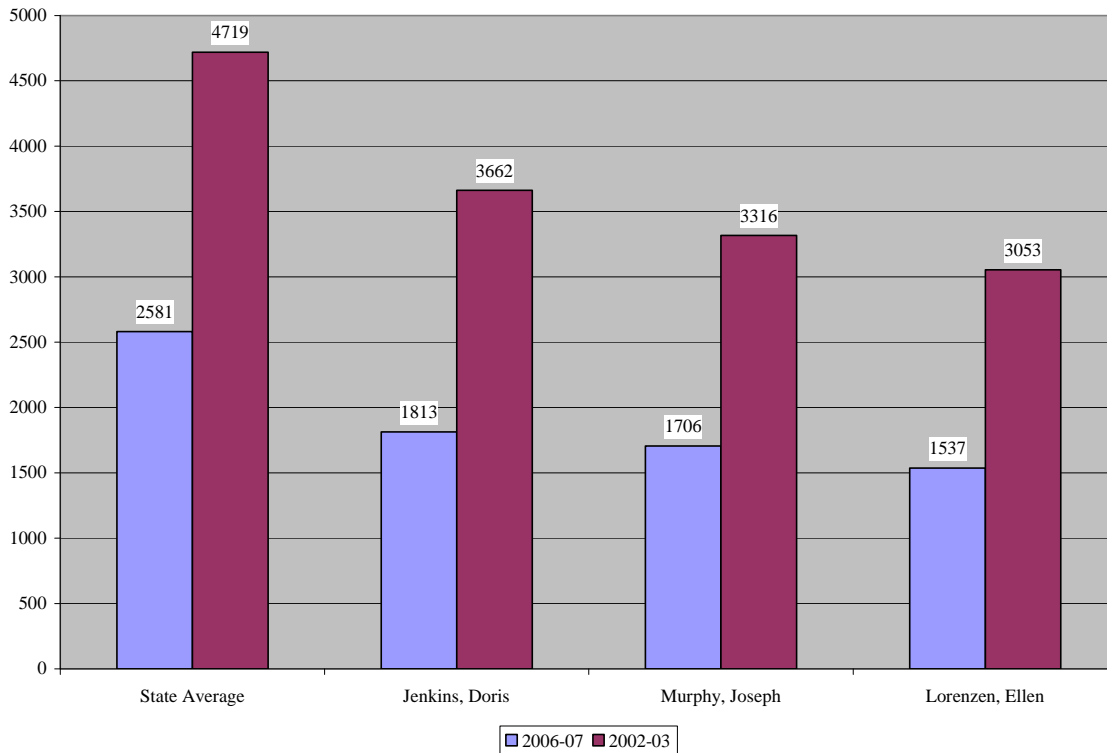


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

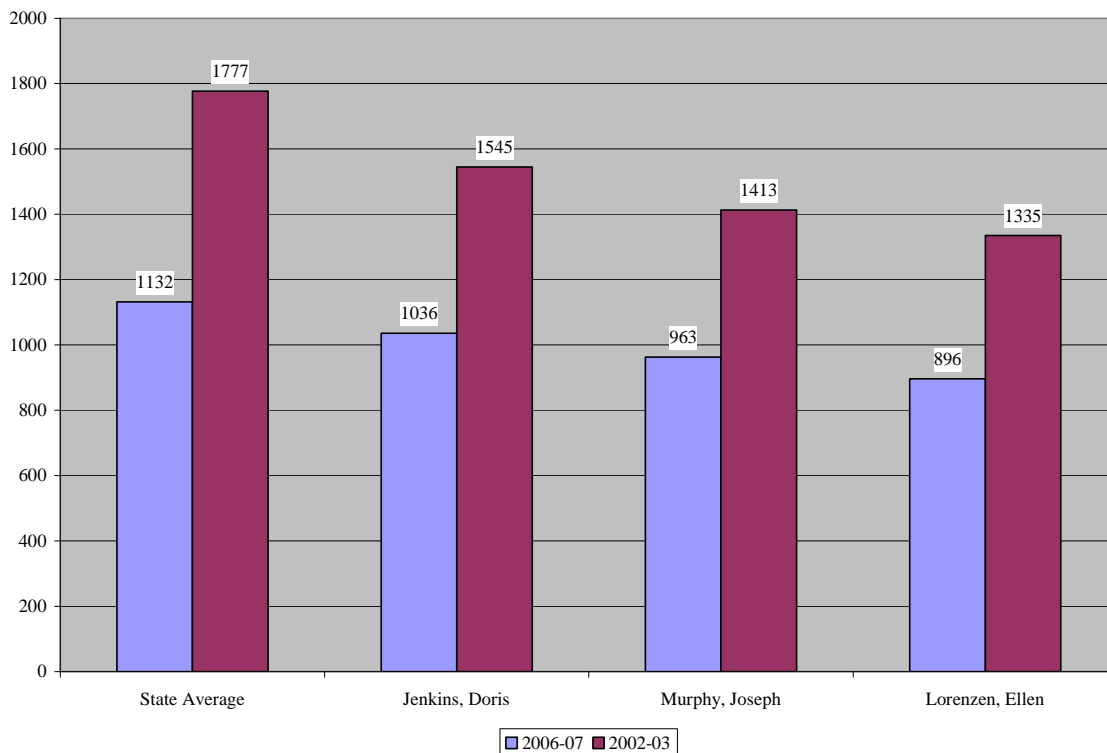


Appendix “18” District TPA (JCC Jenkins, JCC Lorenzen, JCC Murphy):

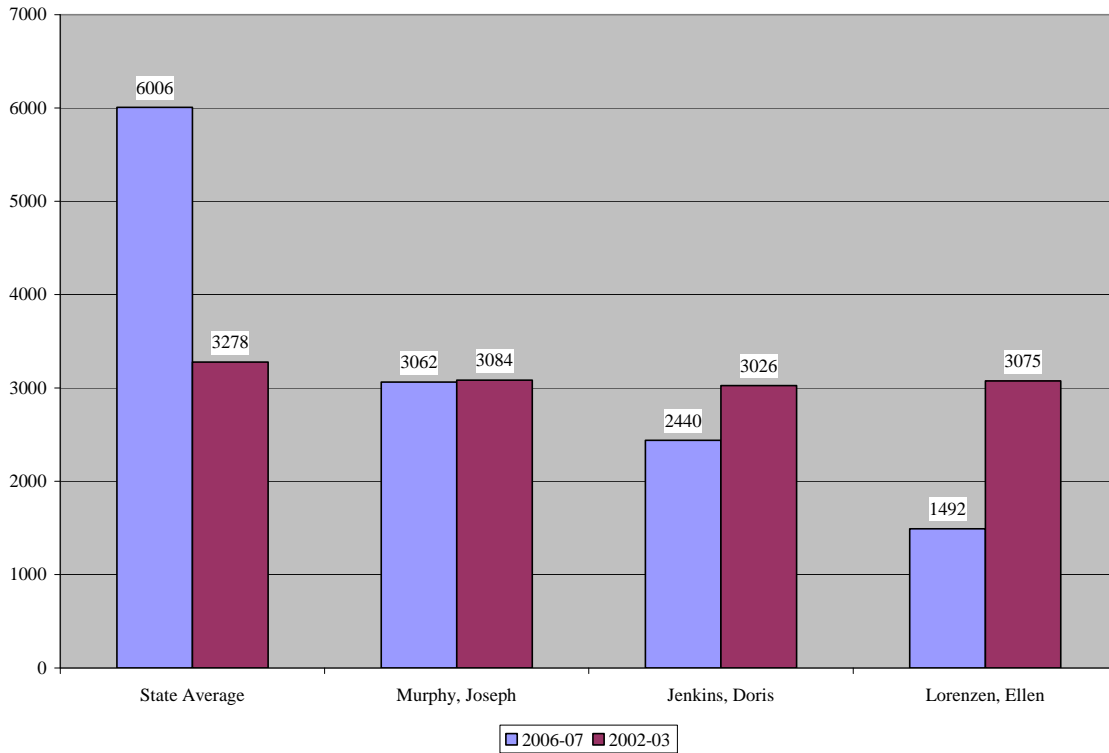
The following graph depicts the volume of PFB filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



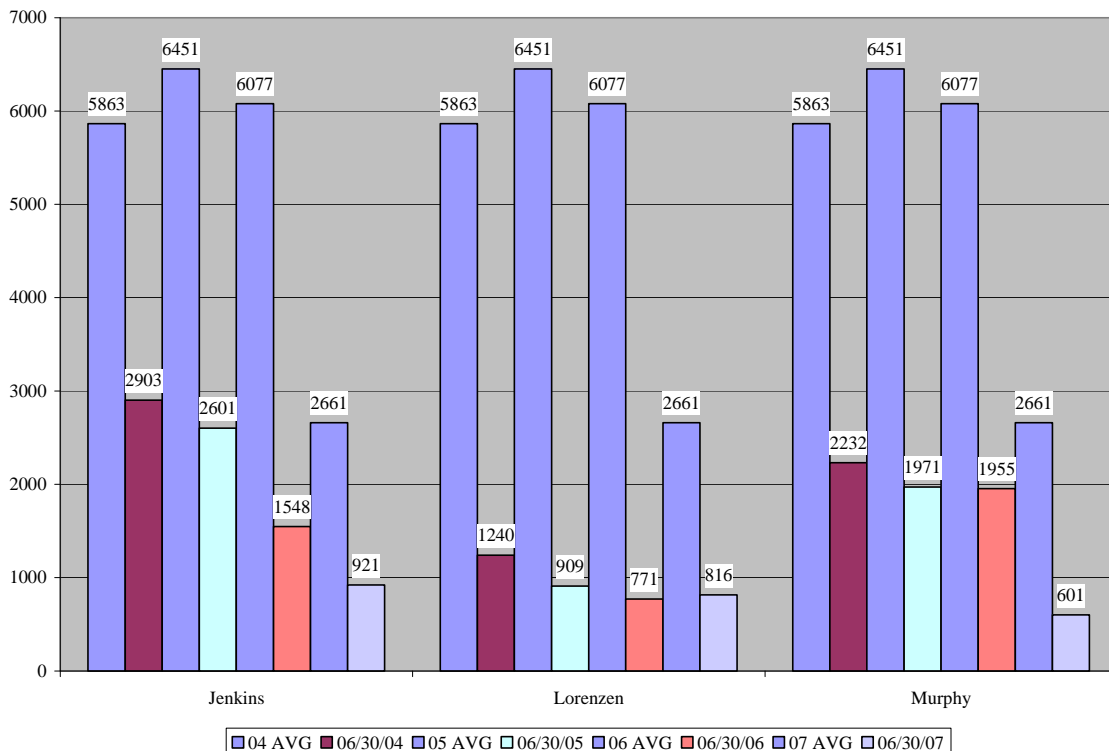
The following graph depicts the volume of new cases filed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



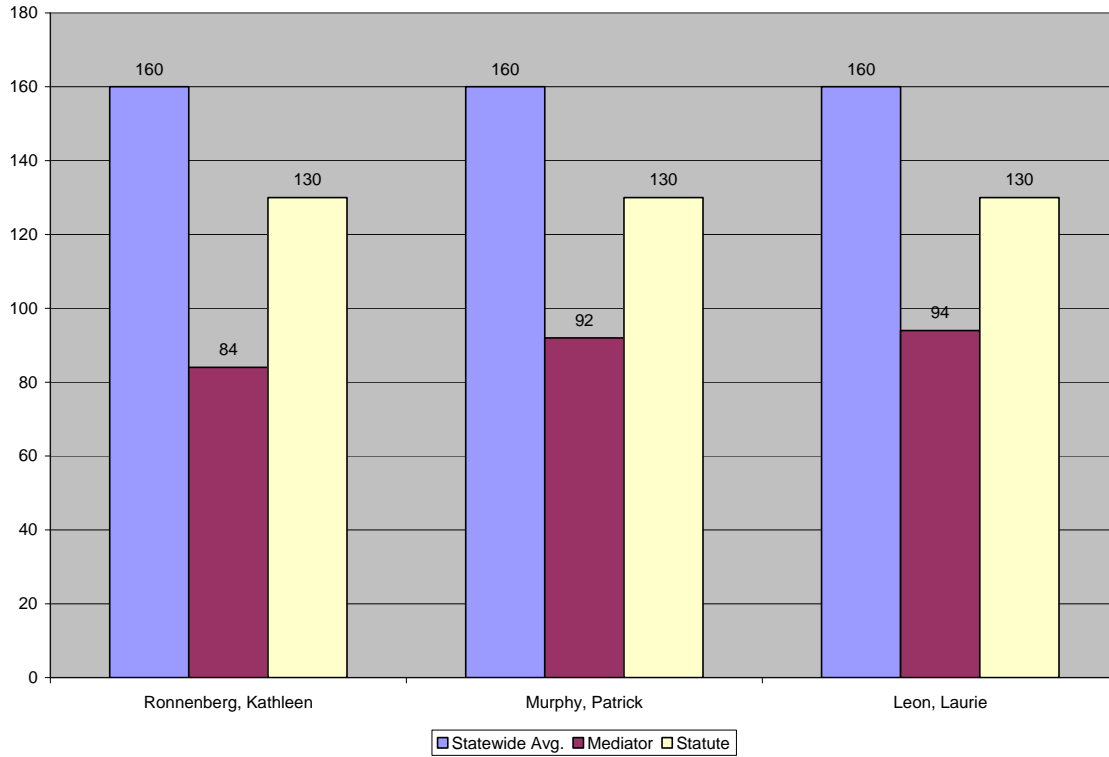
The following graph depicts the volume of PFB closed in this district during 2006-07 (blue bars) and 2003-03 (red bars) for each Judge in the district. The statewide average for each year is also represented.



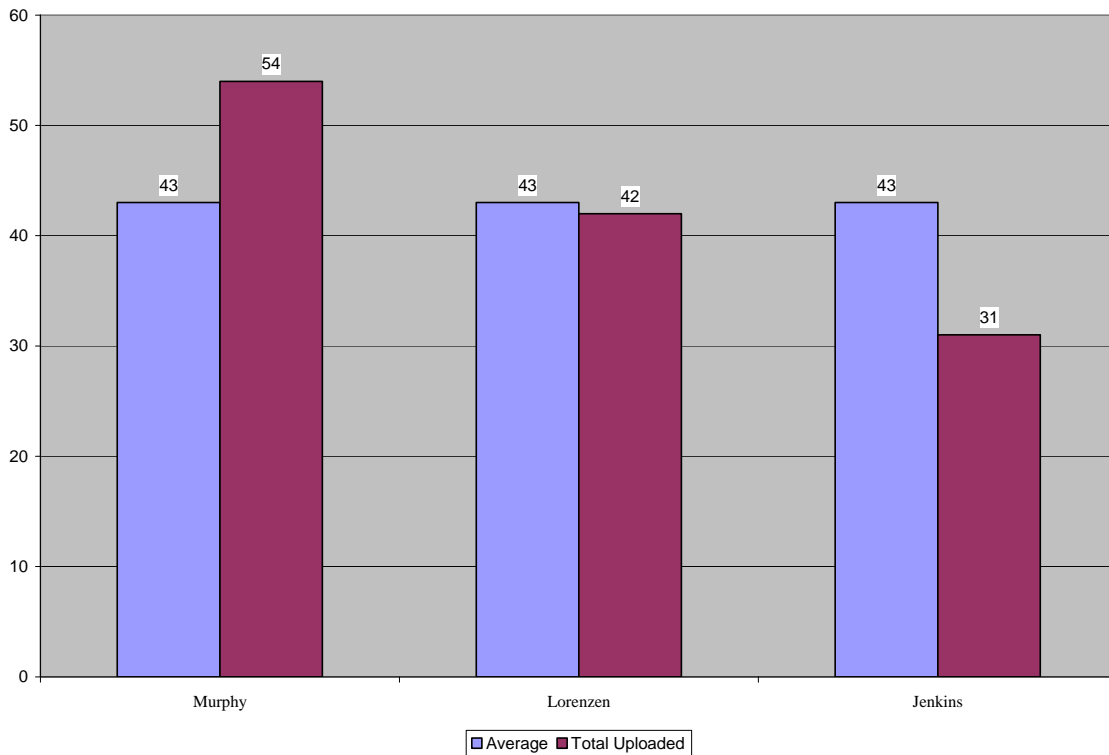
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



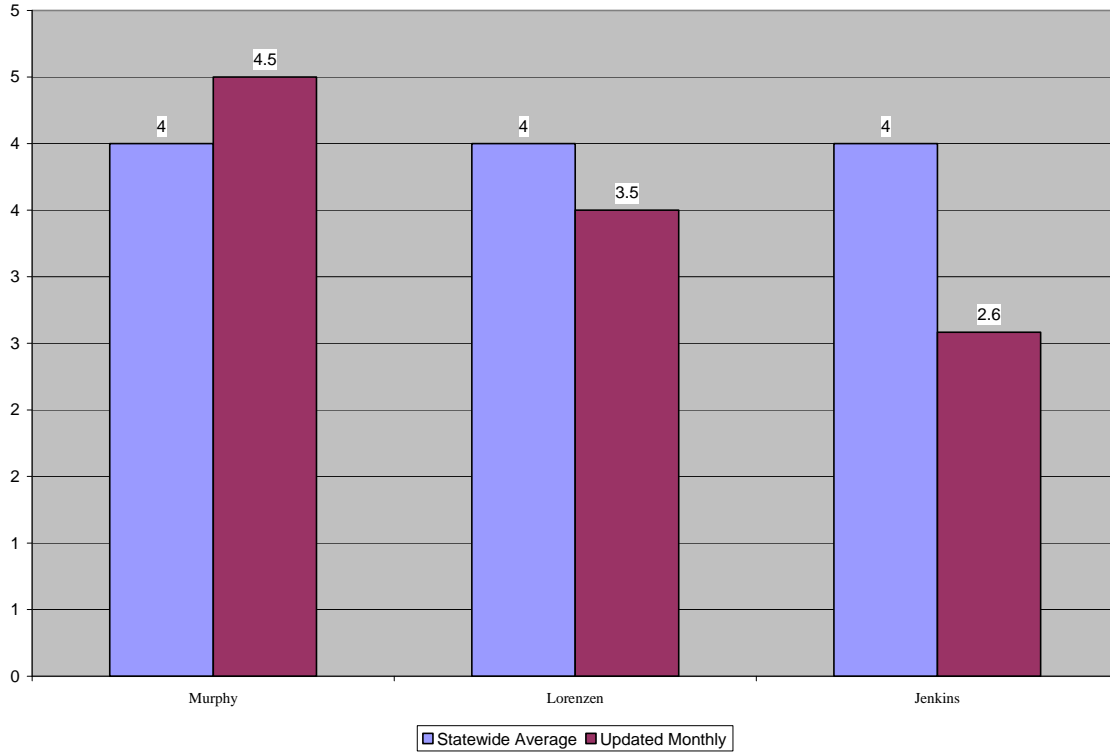
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



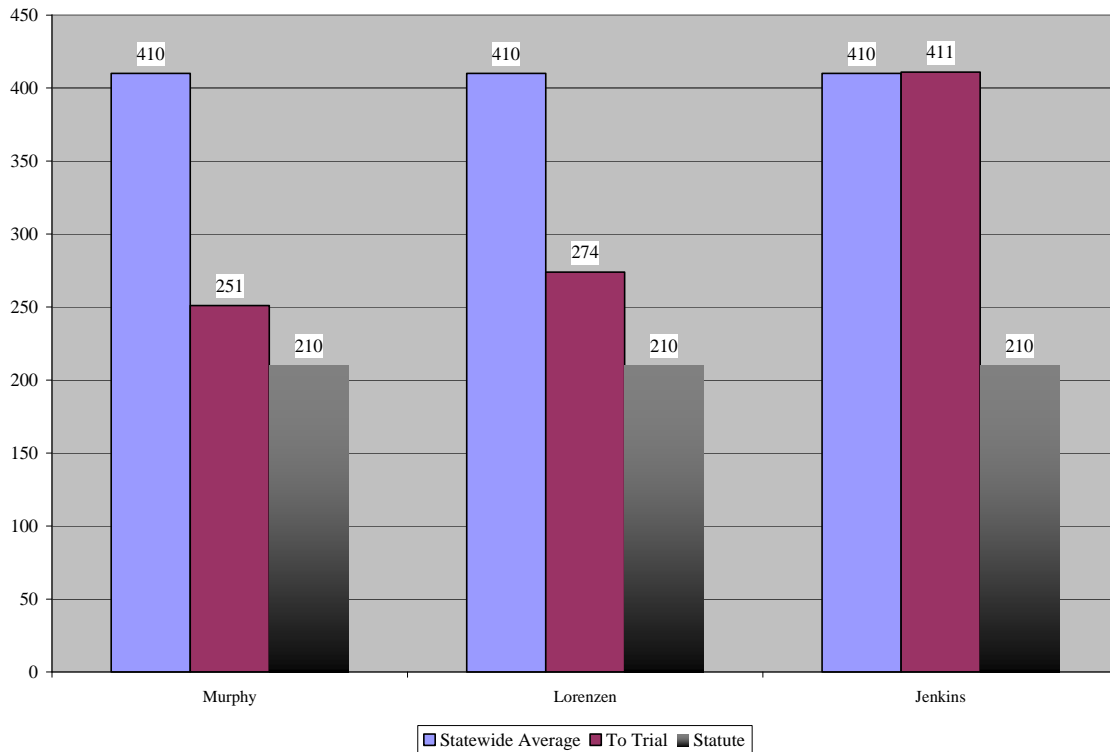
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



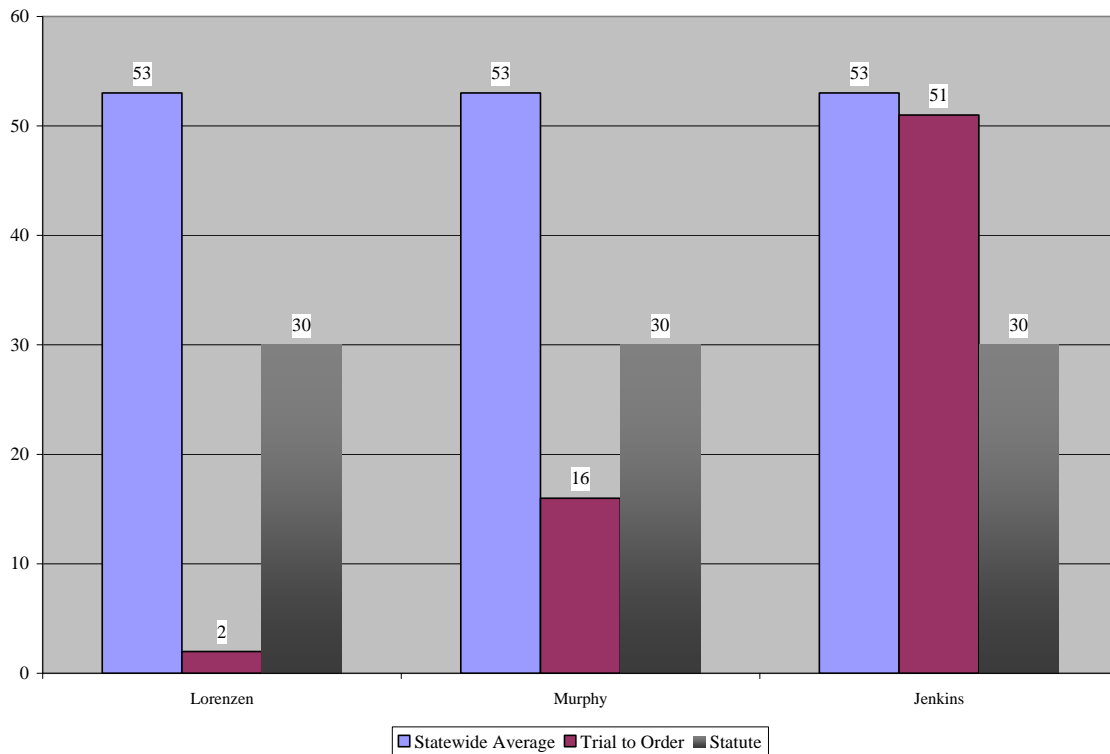
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



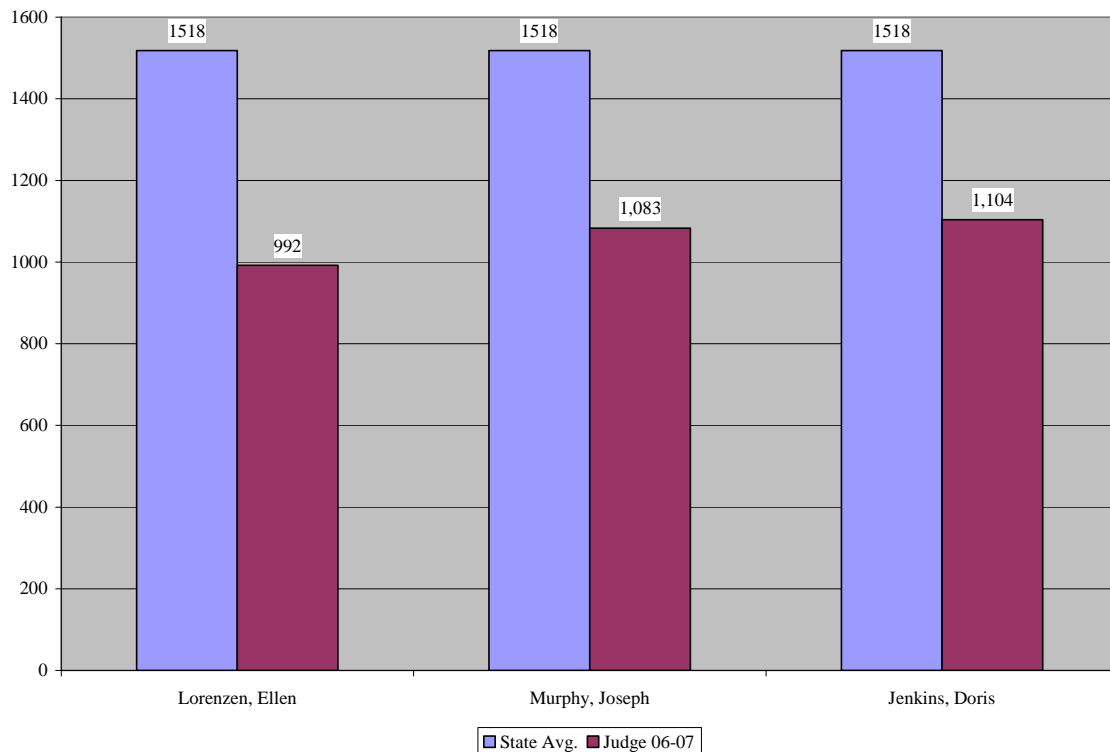
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



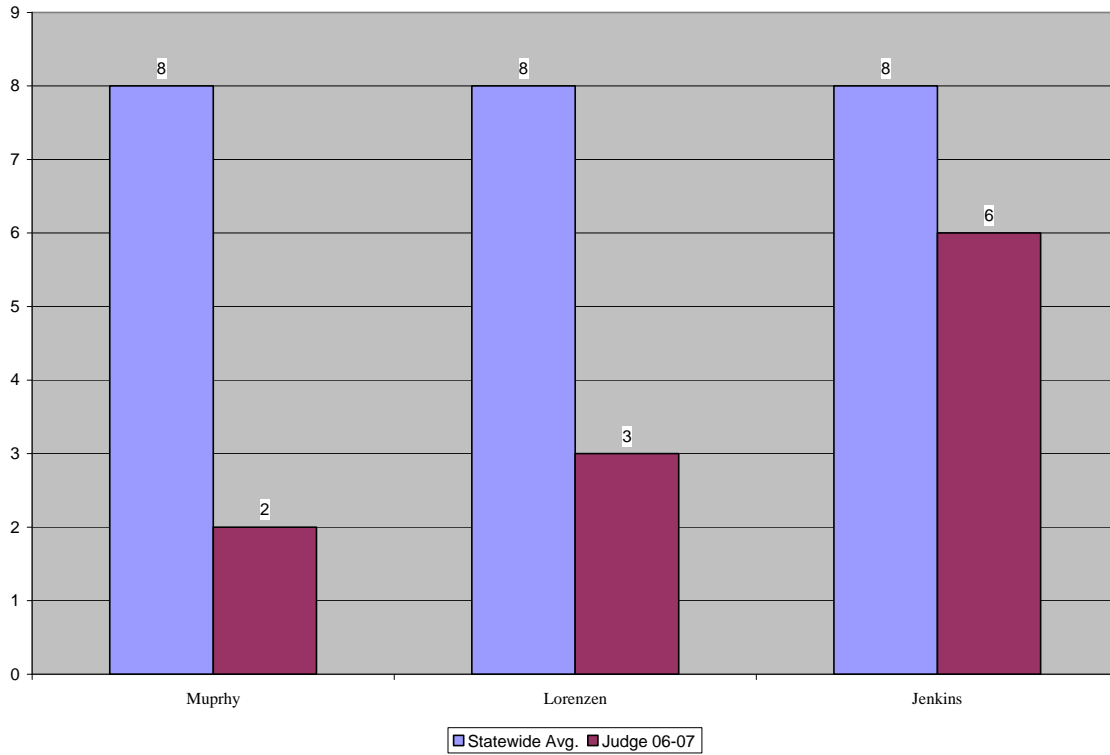
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



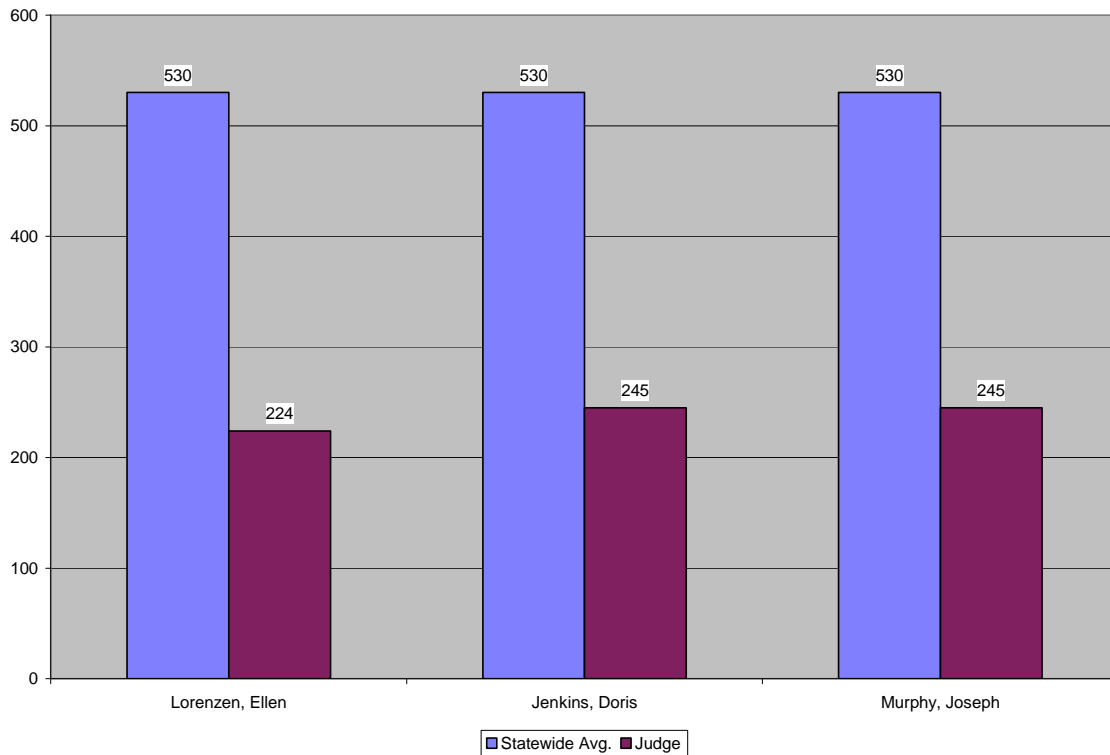
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



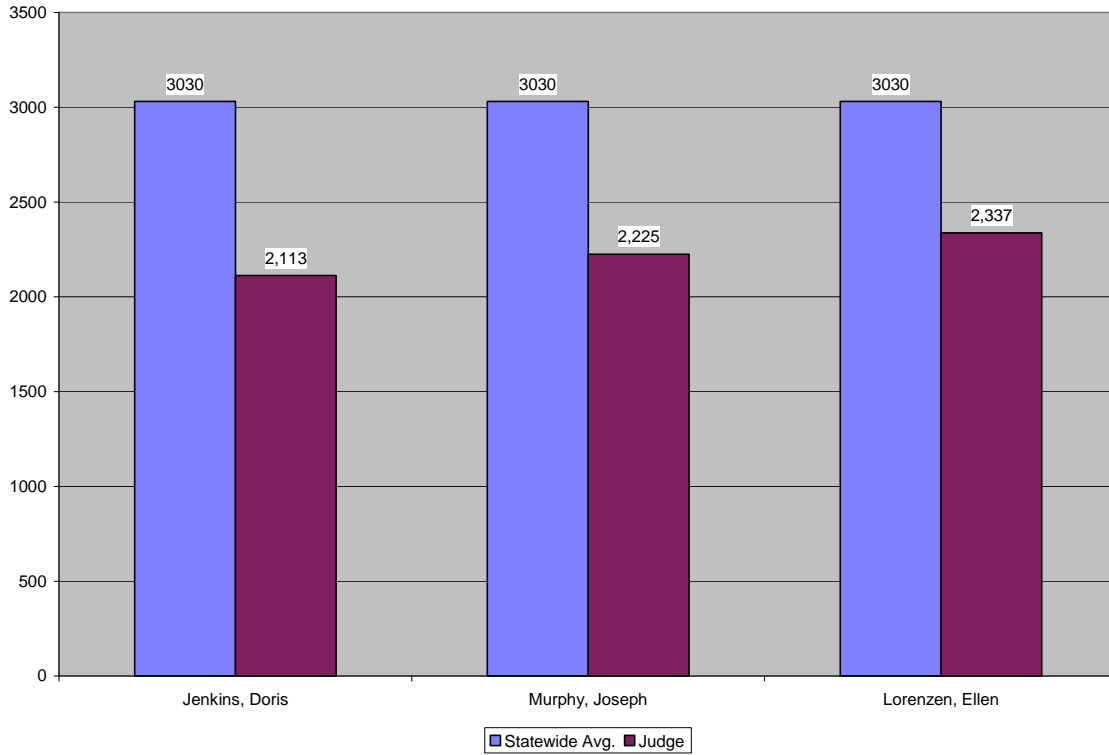
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



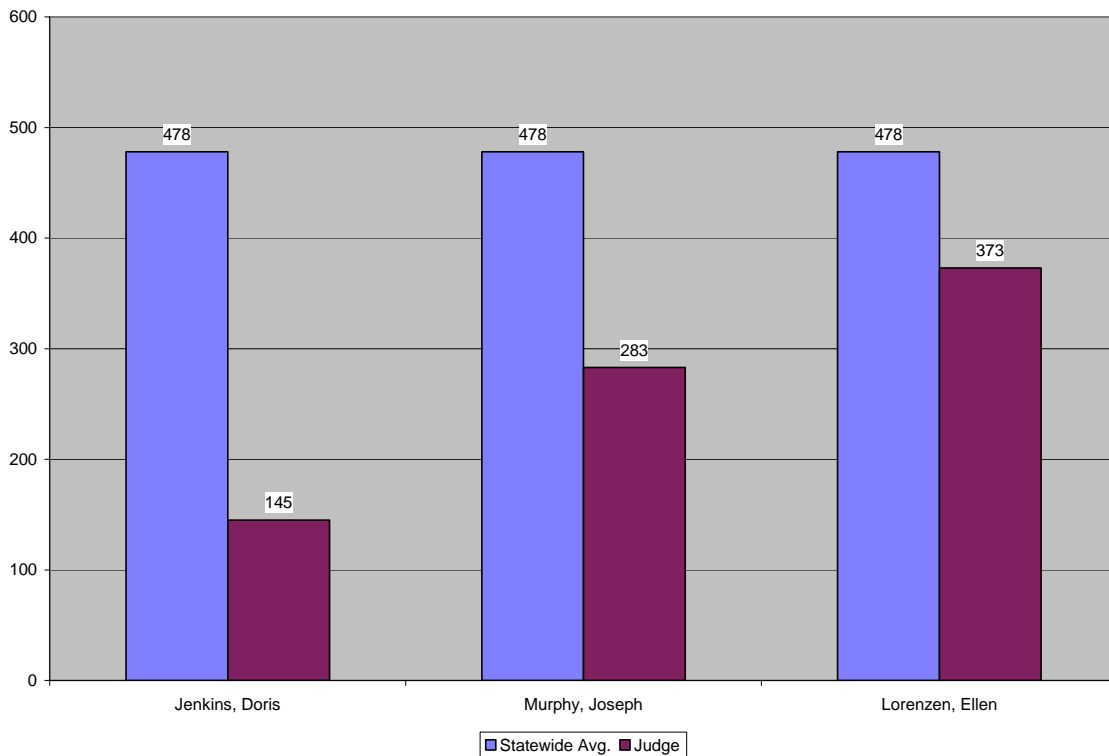
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).

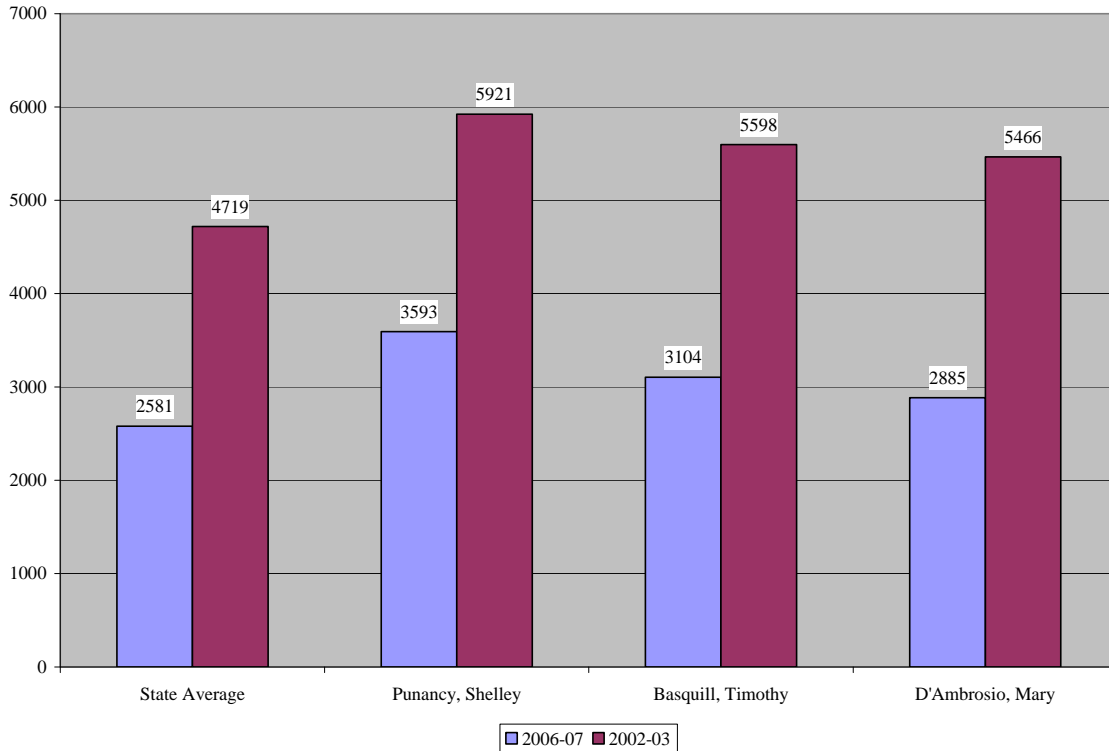


The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).

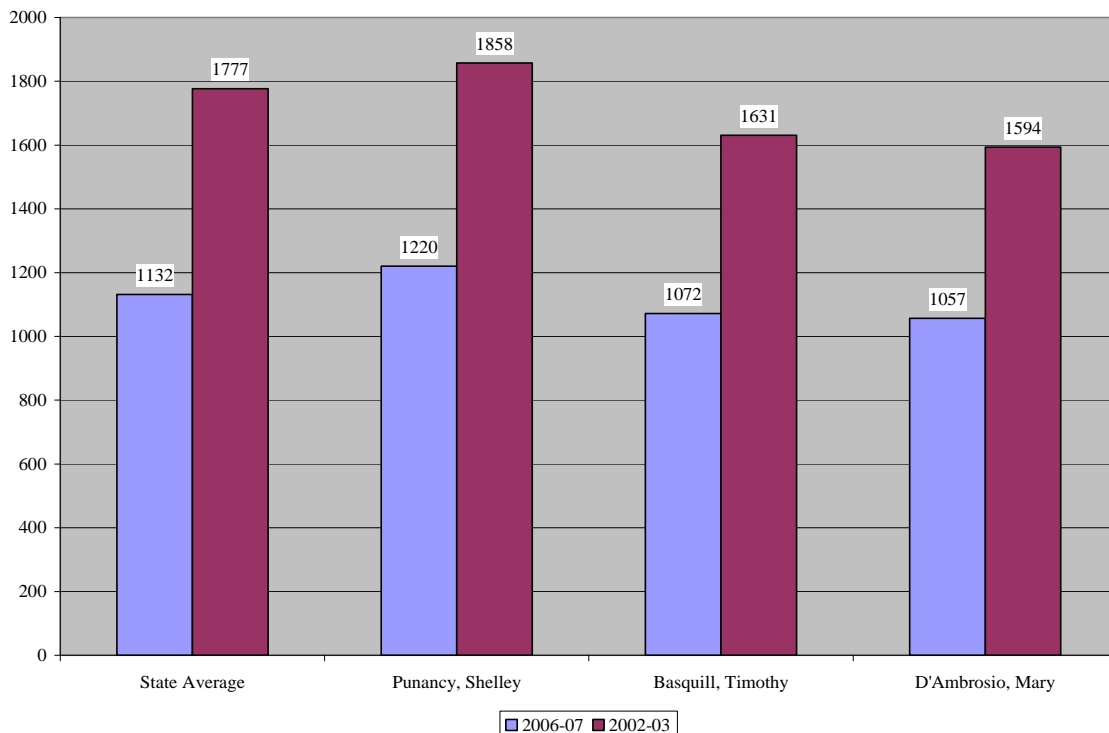


Appendix “19” District WPB (JCC Basquill, JCC D’Ambrosio, JCC Punancy):

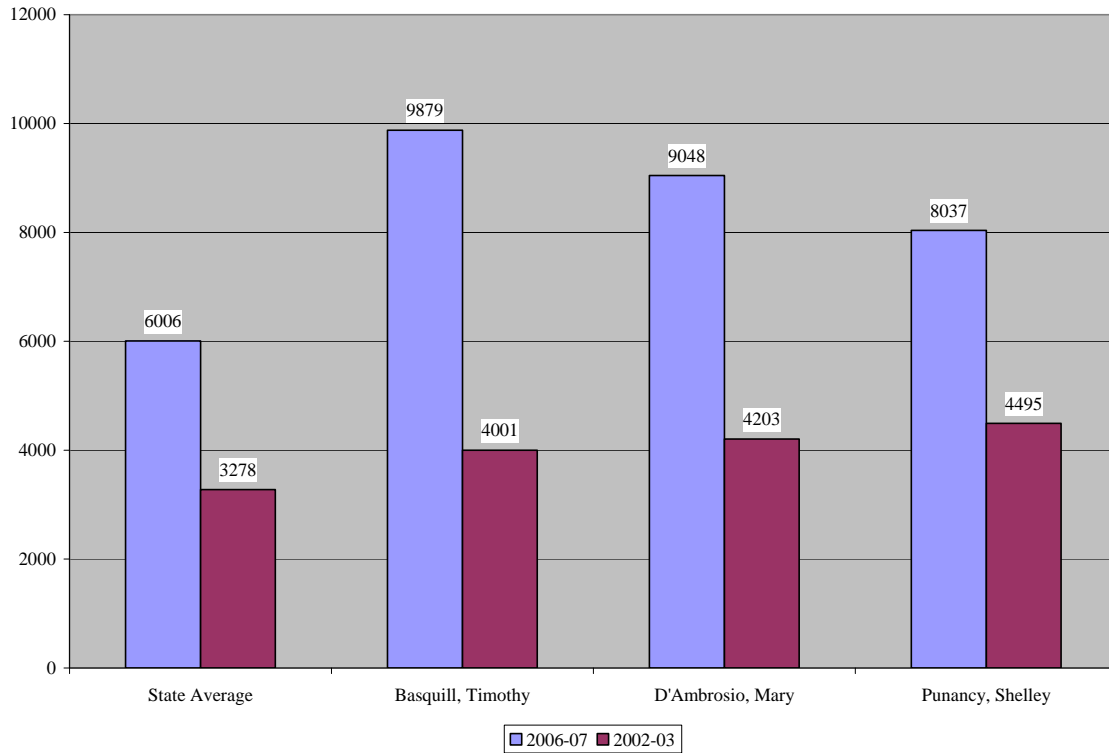
The following graph depicts the volume of PFB filed in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



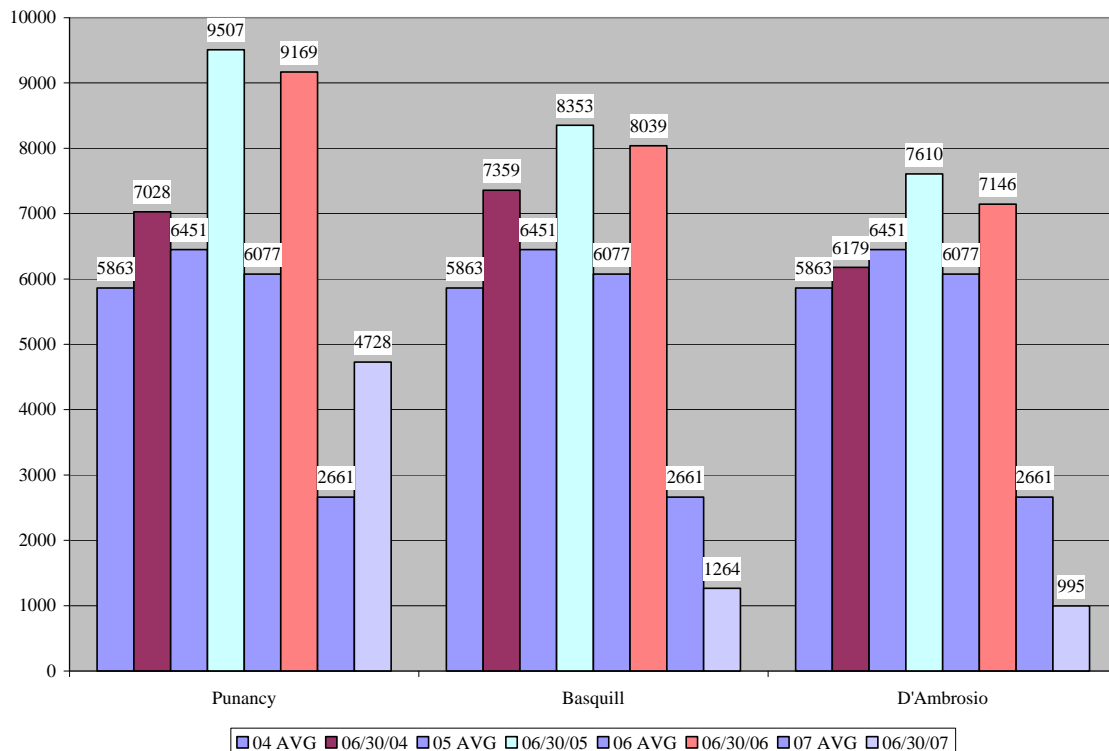
The following graph depicts the volume of new cases filed in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



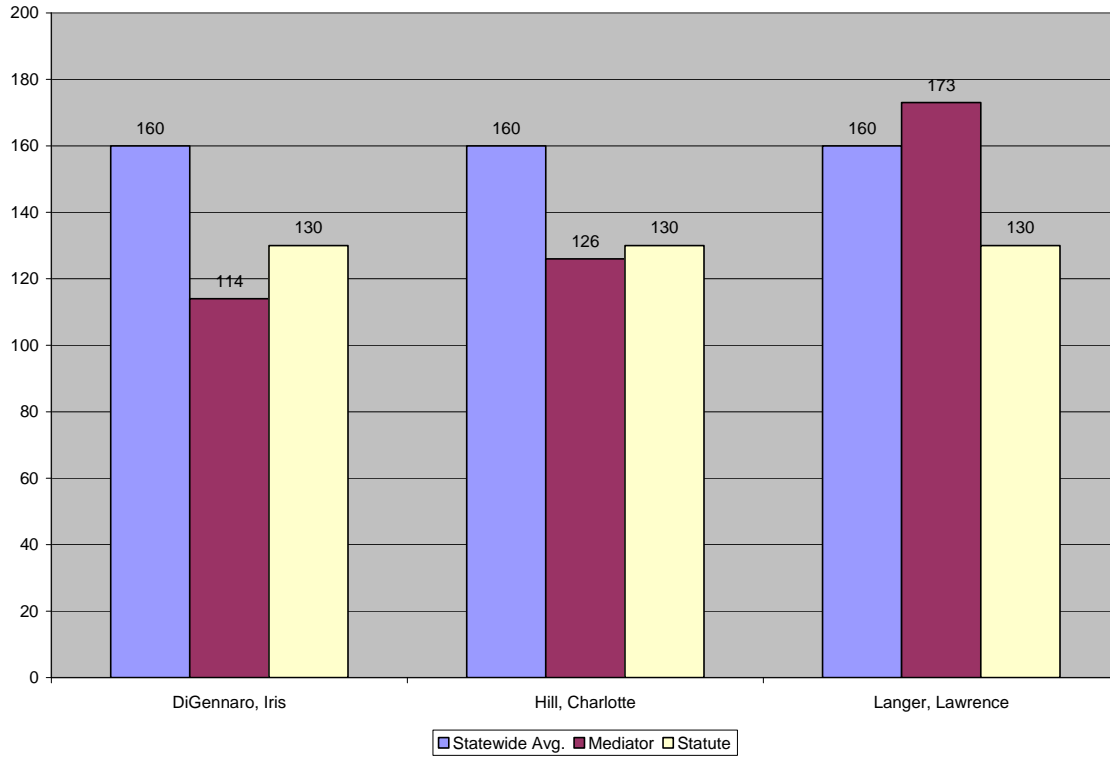
The following graph depicts the volume of PFB closed in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



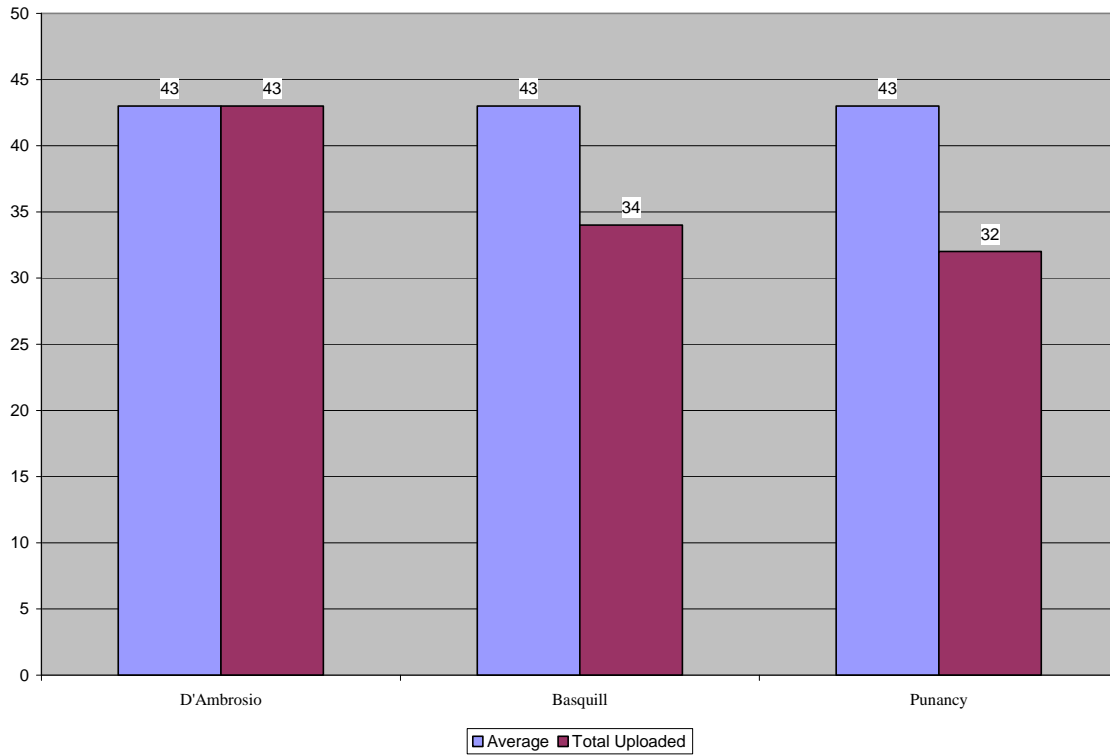
The following graph depicts the inventory of pending PFB in this district at the conclusion of the last four fiscal years for each Judge in the district (multicolor bars) and the statewide average for each year is represented by the blue bars to the left of each year.



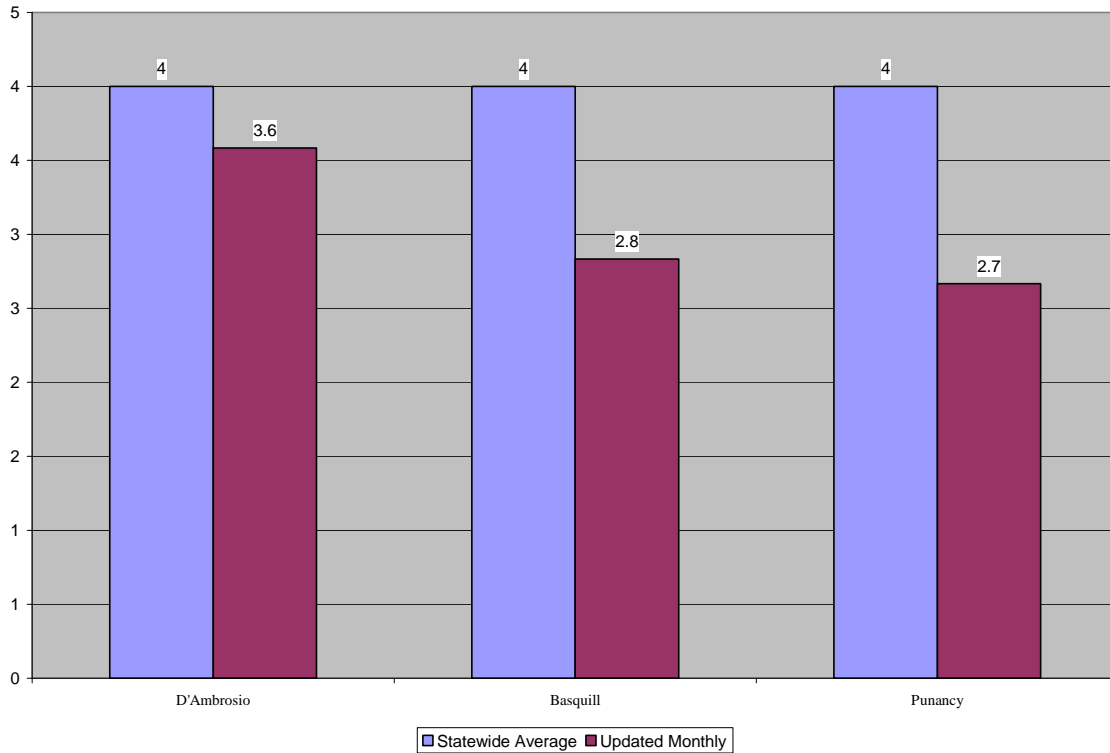
The following graph depicts the average number of days between PFB filing and the first mediation held thereon for each mediator in the district (red bars) and the statewide average is represented (blue bars).



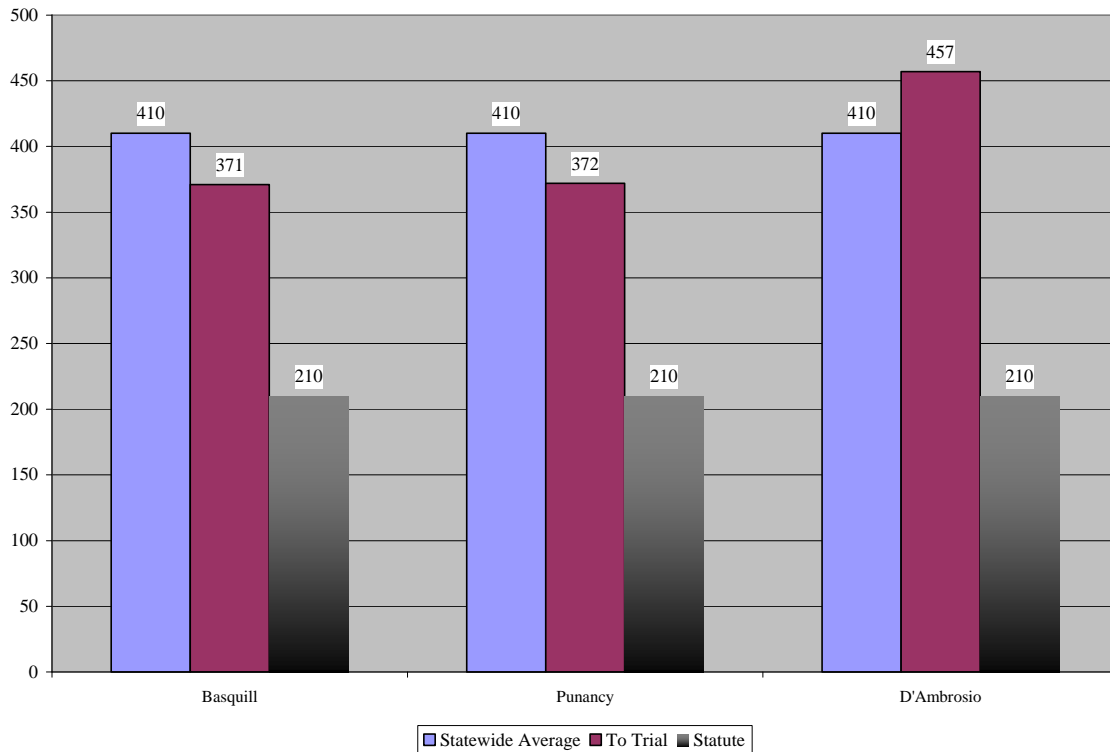
The following graph depicts the total volume of trial orders uploaded in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



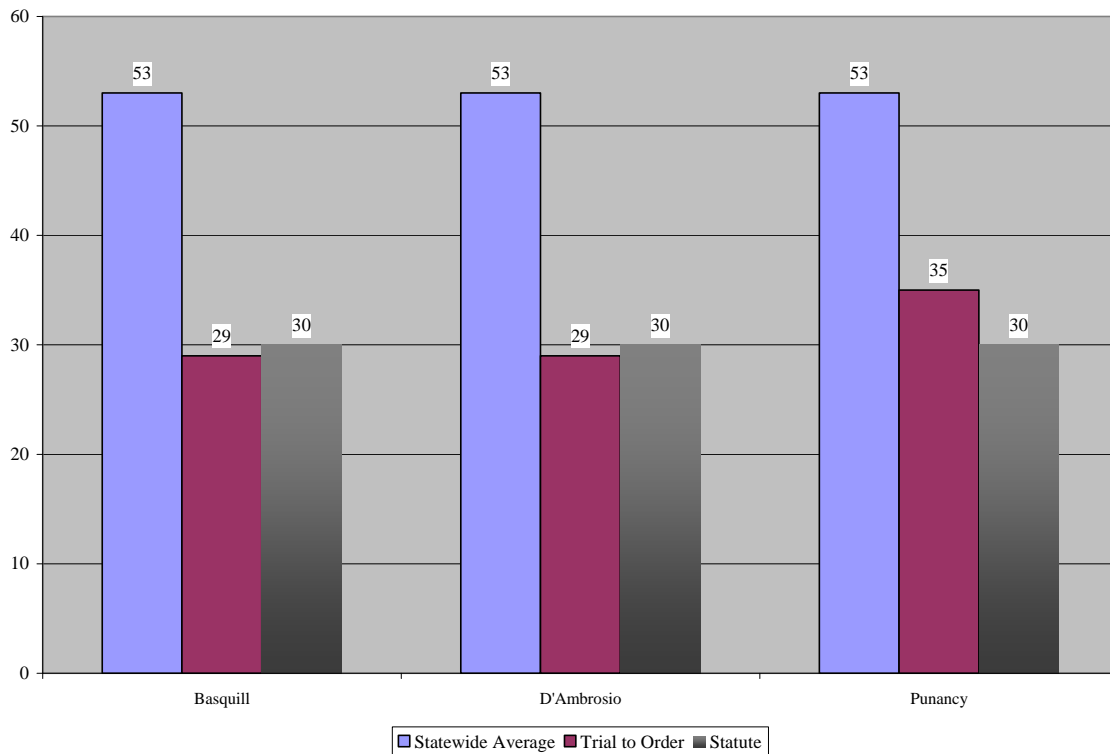
The following graph depicts the volume of trial orders uploaded per month in this district during 2006-07 for each Judge in the district (red bars) and the statewide average is represented (blue bars).



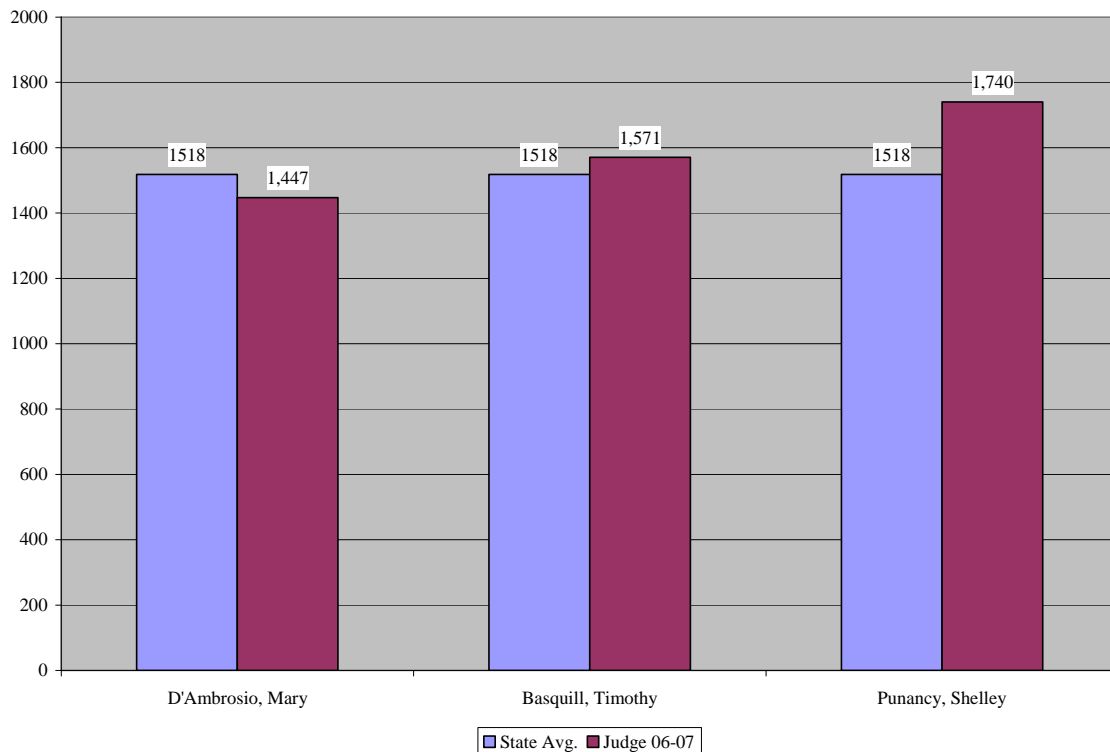
The following graph depicts the average number of days between PFB filing and trial commencing for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, only the first day of trial is considered. Any days after the first day of trial are included in the average for days between trial and final order.



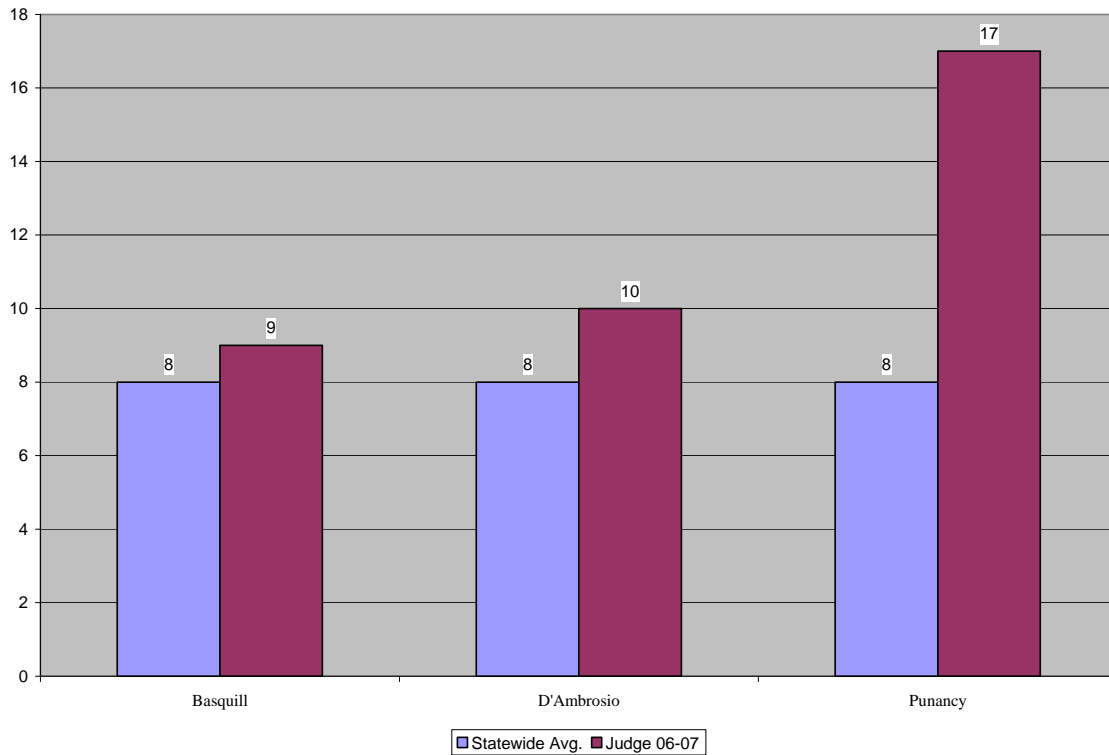
The following graph depicts the average number of days between trial (commencing) and the entry of a final order for each Judge (red bars) and for all Judges on average (blue bars). For these calculations, all days between the first day of trial and last day of trial are included in the calculation of days between trial and final order.



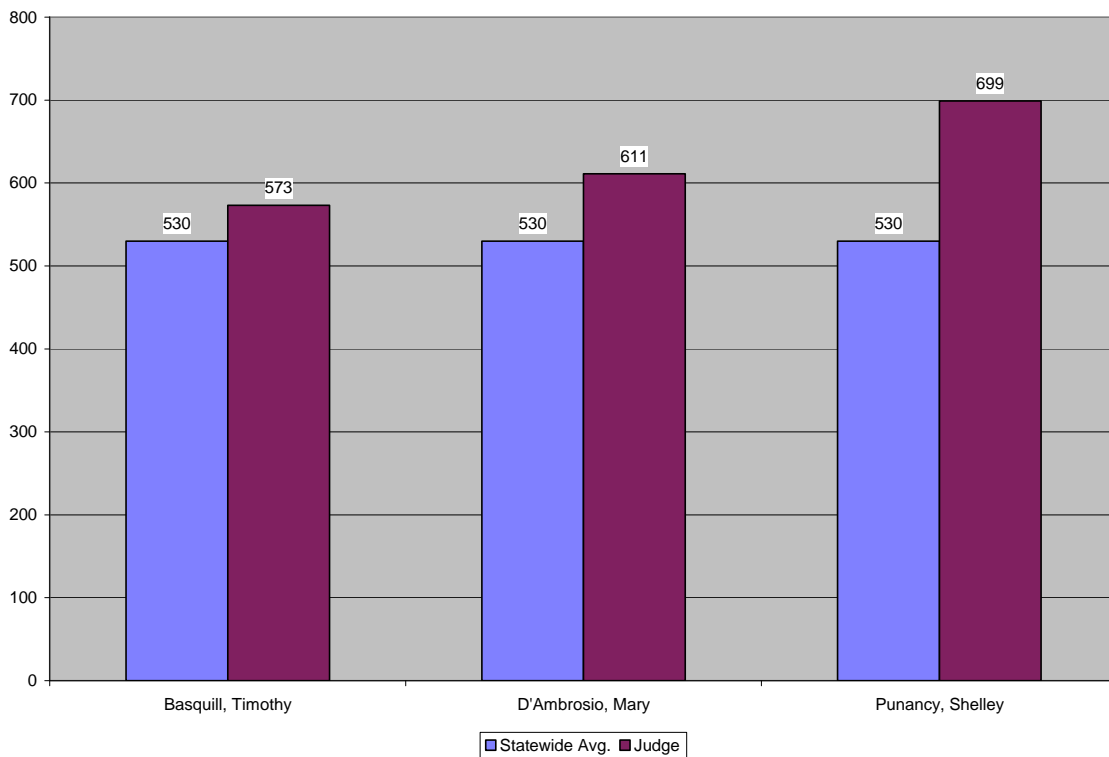
The following graph depicts the volume of settlement orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



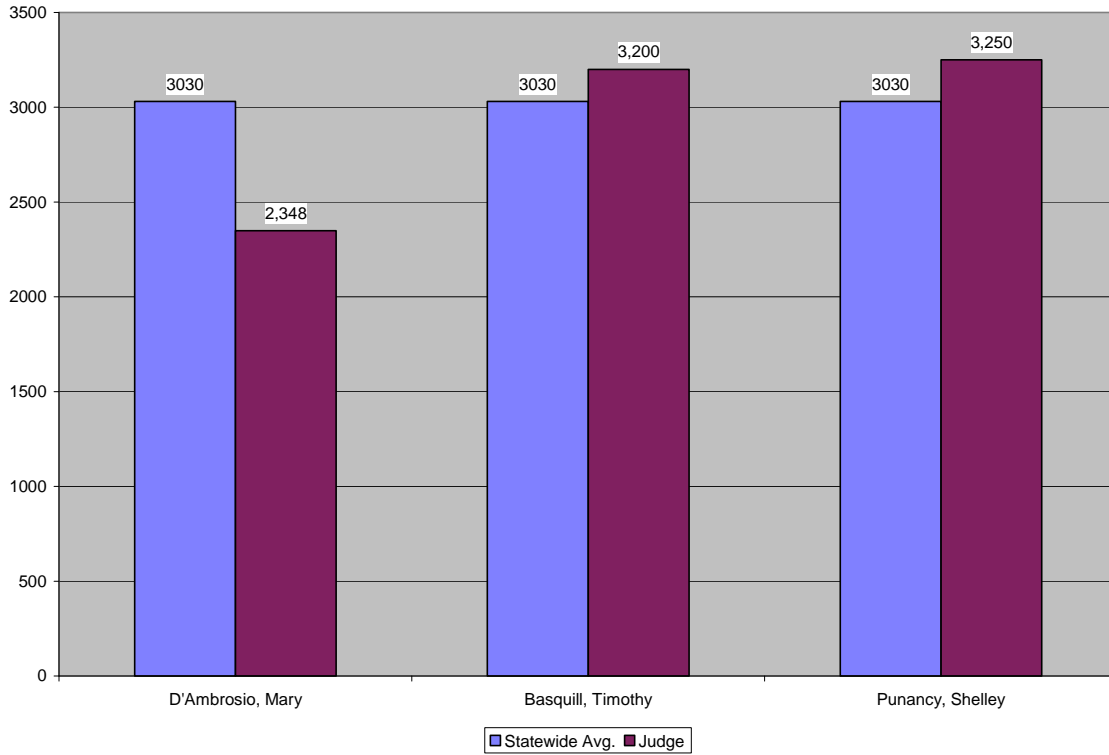
The following graph depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge in the district (red bars) and the statewide average (blue bars).



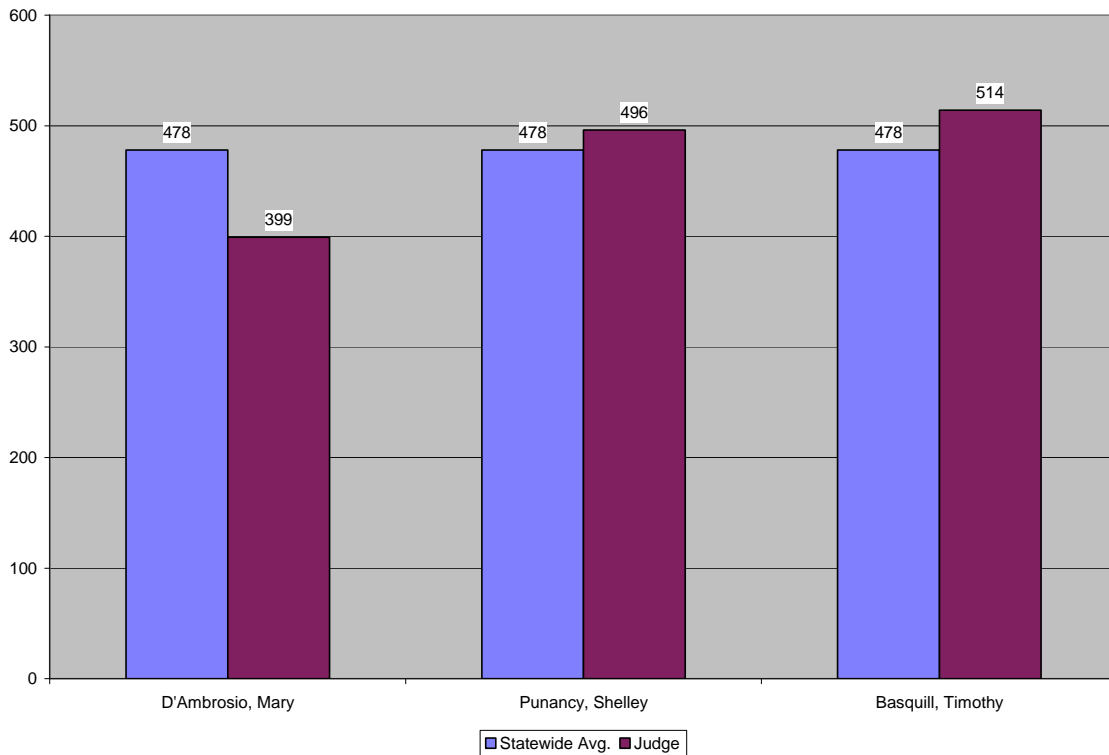
The following graph depicts the volume of stipulation orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge in the district (red bars) and the statewide average (blue bars).



The following graph depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge in the district (red bars) and the statewide average (blue bars).



1 Fla. Stat. §440.45(5) “Not later than December 1 of each year, the Office of the Judges of Compensation Claims shall issue a written report to the Governor, the House of Representatives, the Senate, The Florida Bar, and the statewide nominating commission summarizing the amount, cost, and outcome of all litigation resolved in the previous fiscal year; summarizing the disposition of mediation conferences, the number of mediation conferences held, the number of continuances granted for mediations and final hearings, the number and outcome of litigated cases, the amount of attorney's fees paid in each case according to order year and accident year, and the number of final orders not issued within 30 days after the final hearing or closure of the hearing record; and recommending changes or improvements to the dispute resolution elements of the Workers' Compensation Law and regulations. If the Deputy Chief Judge finds that judges generally are unable to meet a particular statutory requirement for reasons beyond their control, the Deputy Chief Judge shall submit such findings and any recommendations to the Legislature.”

2 The Florida Statutes are available online at: <http://www.flsenate.gov/Statutes/>

3 All OJCC reports are published on the internet at www.fljcc.org, in the “Reports” section.

4 The Division website is <http://www.fldfs.com/WC/>.

5 Over five hundred thousand petitions were transferred. Most or all of these reflected an “open” status at the time of transfer due to the nature of the data transfer.

6 A programming change late in fiscal 2006-07 will allow for computation of the actual pages filed.

7 This was calculated as \$.39 postage plus \$.02 per envelope and \$.005 per page of copy paper prior to May 2007, and as \$.42 postage plus \$.02 per envelope and \$.005 per page of copy paper after the May 2007 postage increase. The cost of duplication and staff time involved in duplicating, preparing and mailing was disregarded.

8 This was calculated by adding the certified mail expense to the \$.42 and \$.45 figures described for regular mail. Before May 2007 certified mail cost an additional \$2.40 and after May 2007 it cost an additional \$2.67. Thus, the total savings per e-PFB filed was \$2.82 before May 2007 and \$3.12 after May 2007.

9 The District Office staff and many of the Central Clerks are full-time State employees. The District Office staffs include executive secretaries, deputy district clerks, and administrative secretaries. Some Districts also have secretary specialists. All of these individuals are involved in the processing of pleadings in most Districts. The average cost of an Administrative Secretary or a full-time Central Clerk is \$.28 per minute. The OJCC also employs “other personnel” (“OPS”) in the Central office. The OPS personnel’s average cost to the OJCC is \$.16 per minute. The average of these two is \$.22 per minute. Because the full-time employees greatly outnumber the OPS clerks, and because the salary cost of most full-time employees exceeds the rate for Administrative Secretaries, this figure (\$.22 per minute) is a very conservative calculation of the per-minute cost for processing pleadings that are filed with the OJCC without using the eJCC system. The average processing time for a pleading filed in non-electronic format is approximately five minutes. Therefore, conservatively calculated, each e-filed document saves the State of Florida at least \$1.10 (5 x \$.22).

10 PDF stands for “portable document format,” and is a type of computer file used to store and share images of documents.

11 For example, it is common for a PFB to contain a claim for past medical care (payment for care by a medical provider or providers) and a claim for future medical care (authorization of a particular medical provider or specialty, i.e. orthopedic surgeon) and a claim for some form of lost-wage (“indemnity”) benefit such as temporary total or temporary partial disability benefits. Many PFBs seek payment of attorney’s fees and costs, and penalties and interest are commonly claimed when any form of indemnity is sought.

12 Anecdotally, there is evidence that some attorneys file multiple PFBs in the same OJCC case on the same date. The logic or reason for this practice is not known. What is clear, however, is that this practice artificially increases the overall PFB volume because in those instances two (2) or even three (3) PFBs are filed to seek a group of benefits that could more logically (and inexpensively as PFBs are served by certified mail) have all been sought in a single PFB. There is also some anecdotal support for the conclusion that this practice is more prevalent in some geographic regions of the state than in others.

13 Florida Department of Financial Services, Division of Workers’ Compensation 2007 Annual Report, page 24.

14 <http://myfloridacfo.com/WC/pdf/anrprt07.pdf>

15 The conclusions reached by the DLES have previously been published. These conclusions are available for analysis. However, none of the raw source data used for those analyses was provided to the DOAH when the OJCC was transferred in 2001. The statistics published by the DLES are therefore expressed in this report for illustrative comparison only.

16 Mediation may be scheduled, on a previous PFB, at the time a subsequent PFB is filed. The OJCC Procedural Rules require that all pending PFB s are to be mediated at any mediation. Therefore, a distinct mediation does not necessarily occur for each PFB, and mediation of multiple PFB s at one mediation is common. Some PFB are scheduled for expedited final hearing. These PFB regard issues that are of a moderate financial value (\$5,000.00 or less), and mediation is not required for these PFB.

There is anecdotal evidence that some divisions exhibit significant delays in the entry of final orders following trials. Each Judge’s average time for entry of an order is illustrated in the appendices to this report. A 2006 audit of final orders entered by all Judges of Compensation Claims demonstrated average delays of over one year between trial and entry of a

corresponding final order in some divisions. Such delays may inappropriately result in parties reaching settlement or resolution after trial through frustration with the Judge's unwillingness to enter a timely order. In other instances, the outcome of evidentiary rulings during trial may be sufficiently illuminating to the parties to allow meaningful analysis of the probable outcome of a given case and may result in a negotiated resolution before even a prompt and timely order may be entered.

17 This figure has been corrected. The figure previously reported (take from chart in proofing) was compiled prior to the completion of the OJCC database system. The figure was calculated using statistical sampling and projections.

18 This figure has been corrected. The figure previously reported for this period was generated using a database query that specifically excluded PFB filed prior to a date certain. As explained herein, this practice has been discontinued, and therefore this figure is deemed accurate.

19 This figure has been corrected. The figure previously reported for this period was generated using a database query that specifically excluded PFB filed prior to a date certain. As explained herein, this practice has been discontinued, and therefore this figure is deemed accurate.

20 In the last several years, the talents of Deputy Chief Judge Scott Stephens and Judge Mily Rodriguez-Powell were lost to the Circuit Court bench. In fiscal 2004-05, the OJCC lost the service of Judge Maria Ortiz to the County Bench. In recent fiscal years, the OJCC also has recently lost the talents of Judge Wilbur Anderson and Judge Richard Thompson to the private sector.

21 Some percentage of PFBs may be excused from the mediation process by the assigned JCC if the issues are instead scheduled for expedited final hearing pursuant to Fla. Stat. §440.25. A very small percentage of mediations (six mediations in fiscal 2006-07) are waived by order of the Deputy Chief Judge of Compensation Claims.

22 This report is replete with examples that cast some doubt on the accuracy of the statistics maintained by the OJCC even since the transfer to the DOAH. However, the raw data for conclusions since 2001 remains available and can be re-verified and corrected. The OJCC continually does so, as reflected in numerous endnotes to this report. Therefore, while the statistics are not above any suspicion, they are more trustworthy than summary information available for prior years.

23 During the 2004 tropical cyclone season, Florida was affected by Hurricanes Charlie, Frances, Ivan, and Jeanne. Almost every District Office was affected by at least one tropical cyclone in 2004 and therefore the increase in continuances that year has been blamed to some extent on these unavoidable natural phenomena.

24 The legislature added one JCC to the OJCC effective July 1, 2006. Governor Bush appointed Judge Sturgis to this Position in December 2006. The OJCC has elected to calculate the figures for fiscal year 2006-07 dividing by the thirty-two (32) JCCs, as that volume was relevant for more than half of the year. The calculations for other years divided by the thirty-one (31) judges deployed during those years.

25 The following 16 Judges heard cases outside of their District in 2006-07, Beck, Dane, Lorenzen, Jenkins, Murphy, Remsnyder, Hafner, Thurman, Sculco, Condry, Portuallo, Lazzara, Sturgis, Spangler, Roesch, and Winn.

26 This data entry by OJCC personnel is not necessary when the PFB is created by counsel through the OJCC website using the e-PFB web-form. This is the reason that use of the e-PFB represents significant financial and time savings for the OJCC.

27 Fla. Stat. §440.34(1) provides in part: "A fee, gratuity, or other consideration may not be paid for services rendered for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court having jurisdiction over such proceedings."

28 Fla. Stat. §440.105(3)(b) provides: "It shall be unlawful for any attorney or other person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Chief Judge of Compensation Claims."

29 Rule 6.124(4): "No later than October 1 of each year, all self-insurers, third-party administrators, and carriers shall report by electronic transmission to the OJCC the amount of all attorney's fees paid to their defense attorneys in connection with workers' compensation claims during the prior July 1 through June 30 fiscal year."

30 The data for this report was generated from the JCC Application database in August 2007, after each JCC had verified that all attorney fee and settlement orders for fiscal 2006-07 had been uploaded. In October 2007, the query was repeated and twenty additional orders had by then been uploaded to the database, altering the total figure. The ability to identify the individual staff responsible for such late uploading enhances the OJCC's ability to provide focused individual training to prevent recurrence in the future and to protect the integrity of the information reported in these reports.

31 The deadline for Carrier and Servicing Agent reporting of defense fees is October 1. Rule 60Q6.124(4). On that date the OJCC compared the list of carriers that had reported to date with the list of all carriers that reported last fiscal year. There were several carriers identified that had not reported for fiscal 2006-07. These carriers were contacted individually to prompt compliance and the reporting website remained active to facilitate their late reporting. On October 15, 2007 the reporting link was closed, and this figure represents the total reported through that date. Visitors to that website thereafter

will be afforded the opportunity to submit further data, but through a mechanism that will allow the OJCC to easily identify any carrier or servicing agent reporting thereafter.

In 2005-06, only two percent of claimant fees were for dates of accidents more than 20 years prior.

This is reasonably consistent with the fees approved in 2005-06. That year 76.31% of fees approved were for accident dates in the seven years prior.

See, In re Florida Workmen's Compensation Rules of Procedure, 285 So.2d 601 (Fla. 1973).

See, Amendments to the Fla. Rules of Workers' Comp. Procedure, 891 So.2d 474, 475 (Fla. 2004).

See, Samaha v. State, 389 So.2d 639, 640 (Fla. 1980); Forrest Bostick v. Noah's Place, Case 1D05-2243 (Fla. 1st DCA January 4, 2006). But see, Eshlibi v. Consol. Box Mfg., 962 So.2d 377 (Fla. 1st DCA 2007).

Fla. Stat. §440.45(2)(c): "Each judge of compensation claims shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of a judge's term of office, the statewide nominating commission shall review the judge's conduct and determine whether the judge's performance is satisfactory. Effective July 1, 2002, in determining whether a judge's performance is satisfactory, the commission **shall consider** the extent to which the judge has met the requirements of this chapter, including, but not limited to, the requirements of ss. **440.25(1)** and **(4)(a)-(e)**, **440.34(2)**, and **440.442**. If the judge's performance is deemed satisfactory, the commission shall report its finding to the Governor no later than 6 months prior to the expiration of the judge's term of office." (emphasis added).

Fla. Stat. §440.25(1): Forty days after a PFB is filed under s. 440.192, the judge of compensation claims shall notify the interested parties by order that a mediation conference concerning such PFB has been scheduled unless the parties have notified the judge of compensation claims that a private mediation has been held or is scheduled to be held. A mediation, whether private or public, shall be held within 130 days after the filing of the PFB. Such order must give the date the mediation conference is to be held. Such order may be served personally upon the interested parties or may be sent to the interested parties by mail. If multiple PFBs are pending, or if additional PFBs are filed after the scheduling of a mediation, the judge of compensation claims shall consolidate all PFBs into one mediation. The claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if agreed to by the parties, other electronic means. A continuance may be granted upon the agreement of the parties or if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. Any order granting a continuance must set forth the date of the rescheduled mediation conference. A mediation conference may not be used solely for the purpose of mediating attorney's fees.

Fla. Stat. §440.25 (4)(a) If the parties fail to agree to written submission of pretrial stipulations, the judge of compensation claims shall conduct a live pretrial hearing. The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the pretrial hearing by mail.

Fla. Stat. §440.25(4)(b) The final hearing must be held and concluded within 90 days after the mediation conference is held, allowing the parties sufficient time to complete discovery. Except as set forth in this section, continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. The written consent of the claimant must be obtained before any request from a claimant's attorney is granted for an additional continuance after the initial continuance has been granted. Any order granting a continuance must set forth the date and time of the rescheduled hearing. A continuance may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the control of the parties. The judge of compensation claims shall report any grant of two or more continuances to the Deputy Chief Judge.

Fla. Stat. §440.25(4)(c): "The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the final hearing, served upon the interested parties by mail."

Fla. Stat. §440.25(4)(c): "(d) The final hearing shall be held within 210 days after receipt of the PFB in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. However, the claimant may waive the timeframes within this section for good cause shown. If the injury occurred outside the state and is one for which compensation is payable under this chapter, then the final hearing may be held in the county of the employer's residence or place of business, or in any other county of the state that will, in the discretion of the Deputy Chief Judge, be the most convenient for a hearing. The final hearing shall be conducted by a judge of compensation claims, who shall, within 30 days after final hearing or closure of the hearing record, unless otherwise agreed by the parties, enter a final order on the merits of the disputed issues. The judge of compensation claims may enter an abbreviated final order in cases in which compensability is not disputed. Either party may request separate findings of fact and conclusions of law. At the final hearing, the claimant and employer may each present evidence with respect to the claims presented by the PFB and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be admitted into evidence in a proceeding and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a

finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties. Any benefit due but not raised at the final hearing which was ripe, due, or owing at the time of the final hearing is waived."

43 Fla. Stat. §440.25(4)(e) The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the Office of the Judges of Compensation Claims at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

44 Fla. Stat. §440.442: "The Deputy Chief Judge and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as adopted by the Florida Supreme Court. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of the Deputy Chief Judge or judge of compensation claims by the Governor."

45 Fla. Stat. §440.34(2) "In awarding a claimant's attorney's fee, the judge of compensation claims shall consider only those benefits secured by the attorney. An attorney is not entitled to attorney's fees for representation in any issue that was ripe, due, and owing and that reasonably could have been addressed, but was not addressed, during the pendency of other issues for the same injury. The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" does not include future medical benefits to be provided on any date more than 5 years after the date the claim is filed. In the event an offer to settle an issue pending before a judge of compensation claims, including attorney's fees as provided for in this section, is communicated in writing to the claimant or the claimant's attorney at least 30 days prior to the trial date on such issue, for purposes of calculating the amount of attorney's fees to be taxed against the employer or carrier, the term "benefits secured" shall be deemed to include only that amount awarded to the claimant above the amount specified in the offer to settle. If multiple issues are pending before the judge of compensation claims, said offer of settlement shall address each issue pending and shall state explicitly whether or not the offer on each issue is severable. The written offer shall also unequivocally state whether or not it includes medical witness fees and expenses and all other costs associated with the claim."