

STATE OF FLORIDA

Division of Administrative Hearings



2012-2013 Settlement Report and Mediation Statistics Report of the Office of the Judges of Compensation Claims

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Overview of Florida Workers' Compensation:

The Office of the Judges of Compensation Claims (“OJCC”) is part of the Division of Administrative Hearings, referred to throughout this Report as DOAH. Each year, the OJCC publishes an Annual Report, which provides the Florida Legislature and Governor with statistical measures of the volumes of litigation and the operations of this Office. Fla. Stat. §440.45(5). Those reports are available on the OJCC website, www.fljcc.org, within the “Notices, Order, and Reports” section.

Florida Workers' Compensation is a self-executing system defined by Chapter 440, F.S. 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 mission is centered on the impartial processing, mediating, and adjudicating of disputes regarding benefits allegedly due to such injured workers. The litigation process for most Florida workers' compensation disputes begins with the filing of a pleading called the petition for benefits, or “PFB.” A PFB may seek medical care benefits and/or lost income (“indemnity”) benefits. Mediation is mandatory in most Florida workers' compensation claims, Fla. Stat. §440.25(1). There is a limited exception to this requirement in Fla. Stat. §440.25(4)(h) that “involve a claim for benefits of \$5,000 or less.”

Organizationally, the OJCC is comprised of thirty-one Judges. Each is appointed by the Governor for a term of four years. Geographically, the Judges serve in seventeen District Offices throughout Florida. In FY 2013 the OJCC employed twenty-eight full-time mediators, each of whom is appointed by the Director of the DOAH. Each OJCC mediator was historically assigned to a particular Judge. Together, each such Judge/Mediator team forms a “Division” of the OJCC. With recent budget changes, this team approach has been altered, see below “2012 Staff Reduction.”

Mediation is statutorily mandated to occur within 130 days after the PFB is filed. If the assigned mediator cannot accommodate that time restriction, then the PFB must be assigned to private mediation at the expense of the E/C. Additionally, parties may elect to participate in private mediation in lieu of mediation with the assigned OJCC mediator.

Data Collection and Reporting:

The data in this report is dependent for accuracy upon the efforts of district staff and mediators in the seventeen District Offices throughout Florida. The OJCC has struggled with accurate data collection. Since fiscal year 2005-06 extensive effort has been expended to provide all OJCC personnel with training and resources in support of accurate collection of data regarding all OJCC operations, including mediation efforts and mediation outcomes. It is believed that the data represented herein is accurate as a result of that significant effort.

A petition for benefits (“PFB”) is effectively a combination of a “claim for benefits” and an “application for a hearing” on the claimed benefits. Each PFB might seek a single benefit, such as a claim for a change in physician or a medical test, or could seek multiple benefits. When an injured worker believes she or he is entitled to a benefit that is not provided by the Employer or their insurance Carrier, the worker files a PFB describing entitlement to that benefit(s). This filing will generally result in the scheduling of an OJCC mediation. Thereafter, as other additional benefits become due, an injured worker may file additional PFB. All pending PFBs filed before the mediation will be mediated at that time. Thus an OJCC mediation could address one benefit or many benefit issues. Entitlement to various workers' compensation benefits may be litigated before the OJCC over a period of years as those issues arise. Therefore, workers' compensation is very different than other litigation which addresses damages that are less serial in nature. Because of the serial nature of workers' compensation benefits, and the resulting potential for serial litigation of the issues surrounding entitlement to those benefits, it is not uncommon for the same case to be mediated, albeit on different benefits, by the same OJCC mediator on more than one occasion.

2012 Staff Reductions and Consolidations in OJCC Mediation

The Legislature altered the OJCC budget for Fiscal Year 2013, which began July 1, 2012. In all, five positions were eliminated from the OJCC budget (from 182 total positions to 177). One of these positions was a Judge of Compensation Claims. Because Governor Scott had previously decided not to reappoint the Judge in District MEL, the OJCC elected not to fill that position in order to accommodate the judicial position cut. Accommodating the four mediator position cuts was more difficult. Two mediators, Charlotte Hill (WPB) and Patrick Murphy (TPA) retired in the second half of Fiscal Year 2012, and these two positions were not filled following their departures. Two further cuts were nonetheless required to fulfill the budget changes. A mediation position was eliminated in District FTL, as was the mediation position in District LKL. Because of the geographic location of LKL, the OJCC has been able to effectively split a mediator position between District SPT and LKL. Mediator Rob Arthur is now sharing his time between Lakeland and St. Petersburg. In the midst of rearranging the mediation positions, Judge Remsnyder requested transfer from St. Petersburg to the vacant District MEL, which was approved. This reduced the two-Judge/two-mediator office in SPT to a one-judge office, which further facilitated Mr. Arthur's service in LKL.

Much of the 2012 three-mediator workload in District WPB was absorbed by the two remaining mediators, Iris DiGennaro and Larry Langer. In 2013, both of these positions were filled with new mediators, Michael Imber was a new hire and Bethany Valliere was a transfer from District MIA. They continue to handle the significant portion of the three-judge mediation load. Mediators in four other Districts continue to regularly perform mediation duties in WPB in support of the vacancy necessitated there by the budget cuts. Mediators from GNS (Suskin), PEN (Hardy), PMC (Oramas), and TLH (Bisbee) are performing regular telephonic mediations in WPB to accommodate the volume that mediators Imber and Valliere cannot effectively absorb. The figures herein for these four mediators Bisbee (TLH), Hardy (PEN), Oramas (PMC) and Suskin (GNS) include the mediations that each conducted telephonically for district WPB.⁴

The two remaining FTL mediators, Jeffrey Breslow and Mark Hauber have been able to absorb mediations for the three divisions in FTL. Therefore, there are no plans to institute telephonic mediation in FTL at the present time. Mediator Valliere's FTL position was eliminated, but she thereafter transferred to MIA to replace Mediator Hodges. This transfer may result in some misattributed mediation statistics in the three FTL mediator's volumes expressed in this report.

This dynamic effort illustrates the flexibility of the OJCC generally and of the exceptional people that are serving Florida in this Office. These mediators have demonstrated a spirit of teamwork and dedication that illustrates the core value of public service. The budget cuts and resulting staff reductions have resulted in changes and have required adaptation to new processes and procedures. Throughout this process, the OJCC mediators have responded to these changes and challenges with a "can-do" attitude and positive spirit, which is a tribute to them and to this organization.

Reports of Settlements Pursuant to §440.20(11)(A):

Although settlements of litigated disputes are generally favored in the law, Florida workers' compensation cases were historically treated differently, with specific findings and often hearings required for settlement approval. It is currently legally permissible to settle all of a worker's rights under the workers' compensation statute. There are three legal provisions that authorize settlements of workers' compensation cases, all contained in Fla. Stat. §440.20(11).

Injured workers who are represented by an attorney may settle their cases without the approval of a Judge of Compensation Claims. However, unrepresented claimants may settle their cases only if the Judge approves, and that approval can only be granted if (a) the employer has denied compensability of the accident from the outset or (b) the claimant has reached the point where no further improvement of his or her medical condition can be expected (maximum medical improvement). Of these settlements by unrepresented claimants, only the former are required by statute to be reported by Judges of Compensation Claims and summarized in this special annual report to the legislature.

These cases, known as "11(a) washouts" because they are authorized by Fla. Stat. §440.20(11)(a) and permanently extinguish or "washout" an employer's liability for a given accident, are the subject of this report. Other settlements are reported in the comprehensive Annual Report of the Office of Judges of Compensation Claims (OJCC), published in December of each year.⁵

Year	Aggregate Value	Percent Change
2008-09	\$649,416	
2009-10	\$431,359	-34%
2010-11	\$423,432	-2%
2011-12	\$527,889	25%
2012-13	\$479,740	-9%

In the fiscal year (“FY”) ending June 30, 2013, there were 75 reported 11(a) settlements, a decrease of eight from the fiscal year ending June 30, 2012. This decrease is approximately ten percent (9.9%). In the fiscal year ending June 30, 2011, there were 77 reported 11(a) settlements. In 2009-10 there were 89 such settlements, and in 2008-09 there were 99.

The settlements in fiscal year 2012-13 were classified by the basis given for denying compensability of the claim. As shown in the chart (below), the largest categories of denial were “Causal Connection Lacking,” which accounted for approximately 35% and “Not in Course and Scope of Employment” which accounted for approximately 27% of the settled cases. These two categories accounted for approximately 61% of the 11(a) settlements in 2013.

The monetary value of these settlements in FY 2012 increased markedly (25%) compared to FY 2011. In FY 2013-13, there was a marked decrease (-9%), but it did not equate to a return to the 2010-11 aggregate value. The aggregate dollar volume for the last four fiscal years and the percentage change from each prior year is expressed in this chart.

The number of 11(a) washouts continues to be dwarfed by the other types of washout settlements authorized by Fla. Stat. §440.20(11). In fiscal year 2011-12 there were 25,958 settlements. Accordingly, the number of 11(a) washouts in 2011-12 was only 0.3% (83/25,958) of all settlements approved during the year. In 2012-13 there were 25,733 settlements, of which only 75 were 11(a) settlements. This is likewise only 0.3% (75/25,733) of all settlements approved during the year. It is respectfully submitted that a special report of the volume and descriptions of these settlements is not necessary and these statistics could be easily incorporated into the OJCC Annual Report.

Reason for Denial	Volume	Percent	Average	High	Low
Not in Course and Scope of Employment	20	26.70%	\$5,068	\$12,400	\$500
Causal Connection Lacking	26	34.70%	\$7,746	\$32,500	\$1,000
No injury occurred	4	5.30%	\$13,198	\$45,000	\$290
Positive Drug Test	4	5.30%	\$4,700	\$10,000	\$ 900
No Accident Occurred	6	8.00%	\$5,250	\$10,000	\$500
Injury Not Timely Reported	2	2.70%	\$4,000	\$5,000	\$3,000
Unspecified	6	8.00%	\$4,983	\$7,500	\$2,000
Not an employee	2	2.70%	\$7,750	\$8,000	\$ 7,500
Statute of Limitations	2	2.70%	\$5,250	\$10,000	\$500
Misrepresentation on Application	3	4.00%	\$3,333	\$6,000	\$1,000

Number of Mediation Conferences Held:

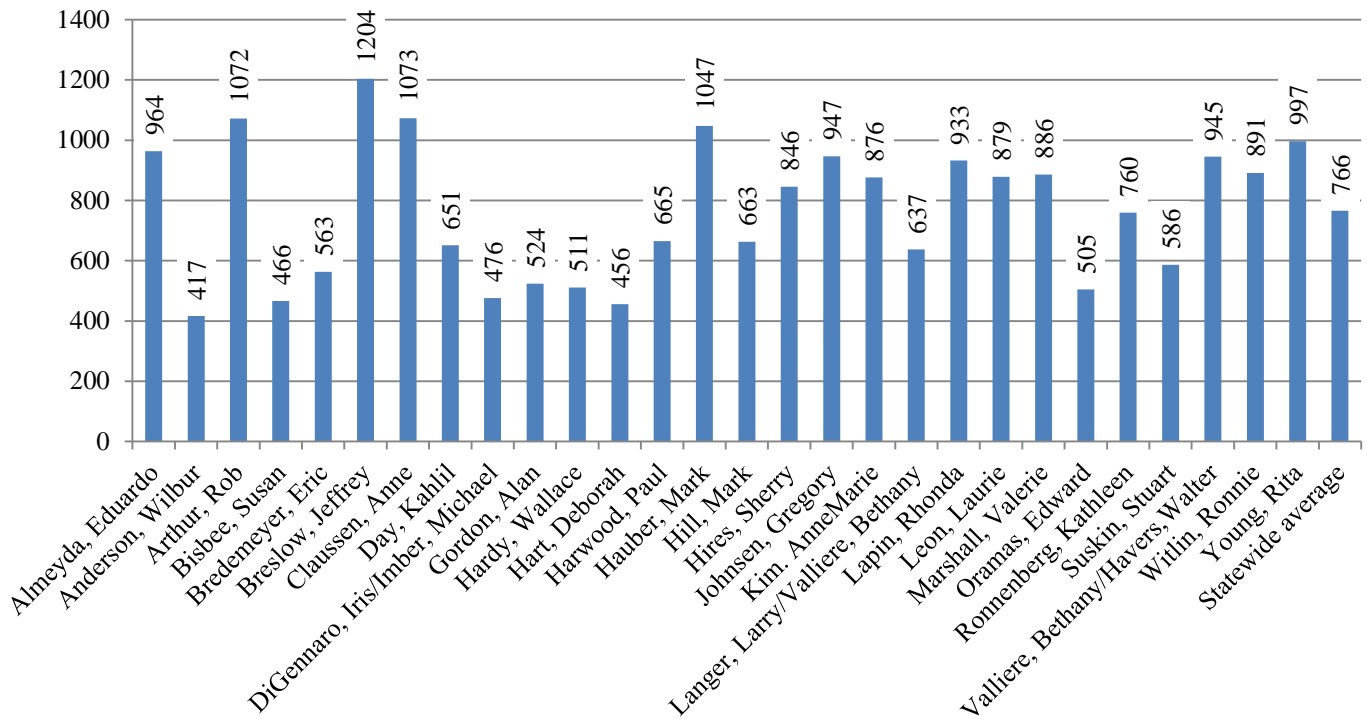
The volume of mediations held each year steadily decreased for five (5) fiscal years between 2003-04 and 2007-08. The rate of decrease in mediations conducted did not match the rate of decrease in PFB filings. This suggests that as PFB volume fell over that six-year period, OJCC mediators were able to act upon a greater percentage of the remaining PFB volume. It is therefore probable that a smaller volume of PFB were mediated privately in recent years due to the statutory 130 day mandate. The cost-efficiency of State mediation for parties is obvious. Furthermore, as the volume of state mediation increases, the “unit” cost of each additional mediation conference decreases because the aggregate cost of the state mediation program, primarily mediator salary, physical premises requirements and computer hardware, remains constant regardless of mediation conference volume, within reasonable parameters. In 2012-13, the volume of mediations conducted by State Mediators decreased approximately six percent (6.11%). Notably, the Legislature reduced by four the number of state mediators in the 2012-13 budget.⁶

The Florida workers’ compensation law requires that PFB are filed only when benefits are ripe, due and owing. After a PFB is filed, an OJCC mediation conference is scheduled with the assigned mediator. Thereafter, it is not uncommon for additional PFB to be filed prior to that mediation. Therefore, the volume of PFB mediated is somewhat higher than the number of mediation conferences actually held, as more than one PFB is often mediated simultaneously. The following reflects the volume of PFB mediated last year.

Fiscal Year	Petitions Filed	% Change	Mediations Held	% Change
2002-03	151,021		29,253	
2003-04	127,611	-15.50%	28,072	-4.04%
2004-05	107,319	-15.90%	26,410	-5.92%
2005-06	90,991	-15.21%	25,522	-3.36%
2006-07	82,607	-9.21%	22,258	-12.79%
2007-08	72,718	-11.97%	20,021	-10.05%
2008-09	73,863	1.57%	20,812	3.95%
2009-10	67,971	-7.98%	19,864	-4.56%
2010-11	64,679	-4.84%	17,896	-9.91%
2011-12	61,354	-5.14%	16,881	-5.67%
2012-13	58,041	-5.40%	15,850	-6.11%

The overall volume of Petitions (PFB) mediated by State Mediators consistently decreased over recent years, until 2012-13, when a significant (1,621 PFB) rebound occurred, as illustrated in this graph.

Volume of PFBs Mediated by Each Mediator 2012-13

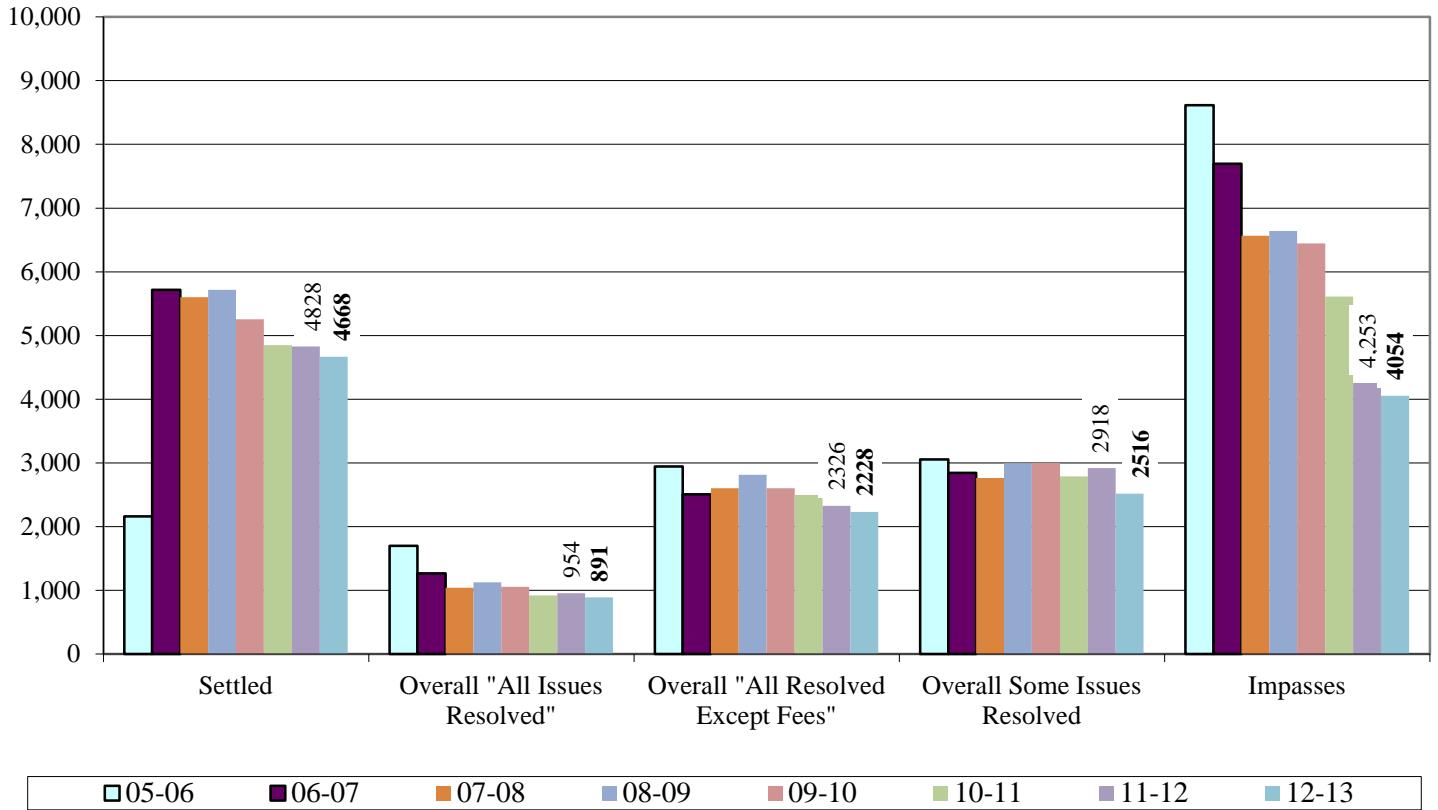


Disposition of Mediation Conferences:

A petition for benefits (“PFB”) may seek 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 PFB 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. Additionally, a mediation conference may include the issues from one PFB or several.

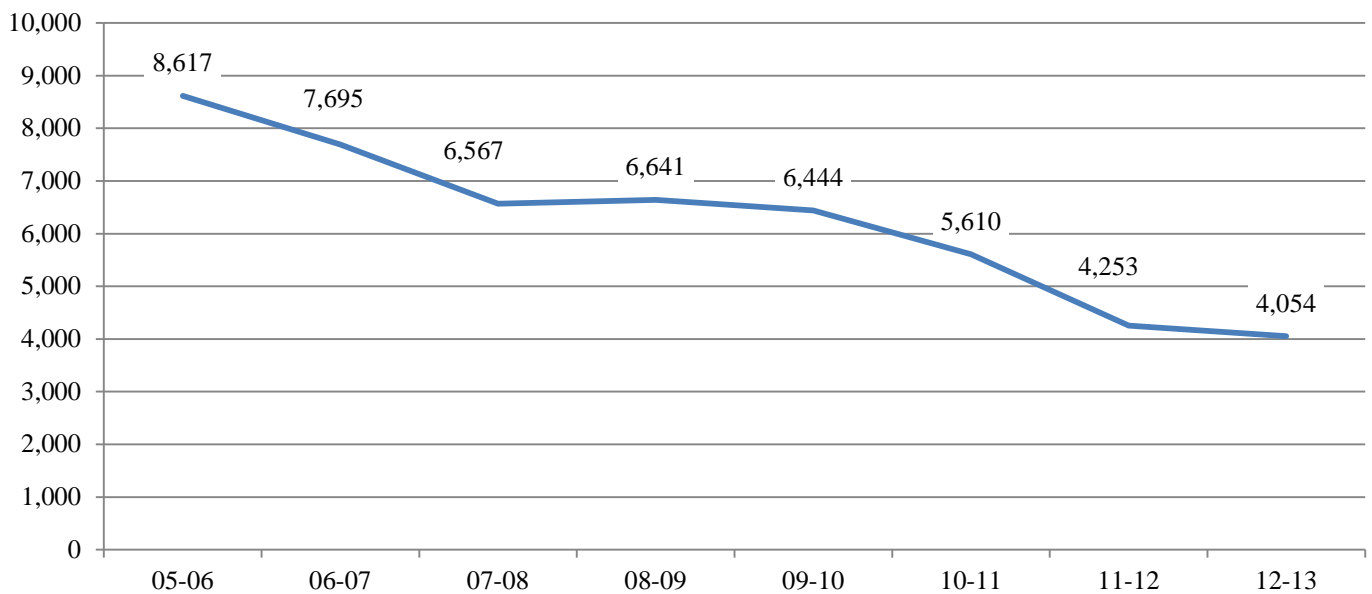
Therefore, the outcome of mediations is expressed in terms of what was resolved at that particular mediation. The characterization “impasse” is used to reflect that no issues were resolved at mediation. The characterization “settled” reflects that the entire case, including the pending issues in the PFB(s) 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. Previously, some mediators 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 below reflects the last eight (8) fiscal years for each of these outcome characterizations.



Some of these characterizations are likely unfamiliar to mediators and even litigators uninvolved in the Florida workers' compensation claims process. Most attorneys, however, are familiar with "impasse" as that characterization reflects that the mediation has concluded without any agreement. The volume of OJCC mediations concluding with no agreement on any portion of the claims has decreased in recent years.

Overall "Impasse"

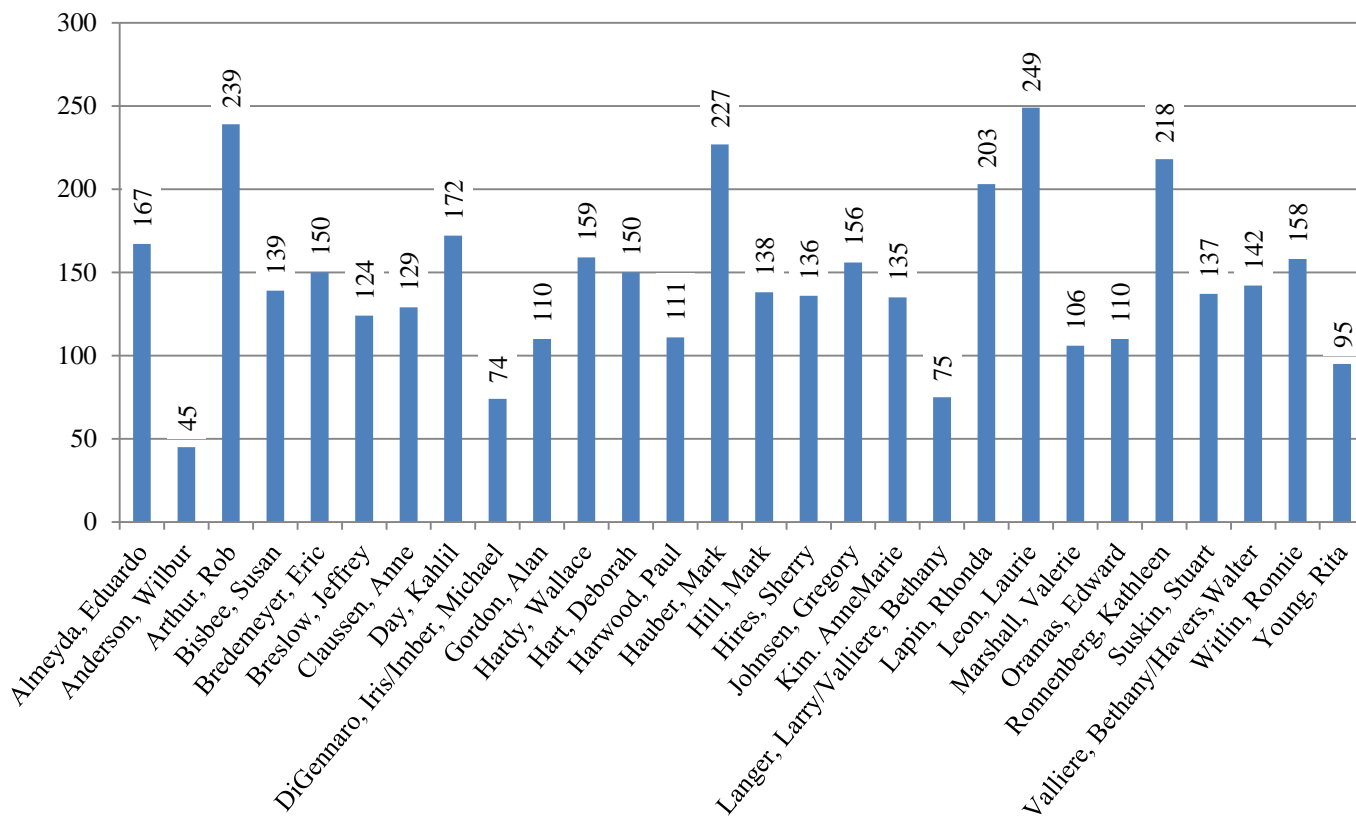


These marked decreases in “impasse” are illustrative of efforts by the OJCC mediators to resolve at least some aspect of the cases which are presented to them. Despite decreasing volumes of mediations overall, the percentage of convened mediations resulting in impasse are most impressive. Expressed as a percentage of the mediations held by OJCC mediators, the volume of “impasse” outcomes for the last eight years are:

05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13
33.8%	34.6%	32.8%	31.9%	32.4%	25.4%	21.5%	25.1%

The corollaries of these figures, represents the volume of OJCC mediations in which at least some volume of issues were resolved. In approximately seventy-five percent (74.9%) of 2012-13 OJCC mediations, at least some issues were resolved. This is an important fact, more so even than a measure of “settlements,” because the workers’ compensation statute creates an entitlement to a variety of benefits, many of which are interrelated and some of which are dependent upon the results of others. As an example, an injured worker may seek medical care and benefits to replace lost income. Those lost income benefits (“indemnity”) are generally payable when an injury precludes or limits performance of work. Whether an injury precludes or limits work is a medical opinion. Thus, a mediation conference on such a case that resolves only the claim for medical care will potentially lead to a medical opinion that affects or resolves the question of whether indemnity benefits are due. Thus, a “some issues resolved” represents an agreement that some disputed benefits will be provided to the injured worker, and represents potential other progress in the determination of remaining issues. Mediations are obviously very effective in resolving issues. The 2010-11 mediation and settlement report noted the potential significance of the increase from approximately 67 percent to approximately 75 percent of mediations resulting in at least some resolution. The 2012-13 decrease in at least some resolution, from approximately seventy-nine (78.5) percent in 2011-12 to approximately 74.2% in 2012-13 is of interest. That this figure is very similar to 2010-11 may be significant.

Volume of "Impasse" by Each Mediator



It has been previously noted that each year a very small percentage of mediation outcomes are not recorded in the OJCC database appropriately, but were merely marked as “held.” That characterization provides no information as to what was accomplished in that mediation. The vague nature of that characterization was addressed. In FY 2012 only 17 total mediations were characterized in the database as “held;” in 2012-13, that figure was 15. This represents a very small percentage of all mediations convened. This improvement in appropriate outcome database characterization demonstrates the value of the extensive training which has been provided for District staff since 2006, and is a remarkable illustration of the improvements in data collection effectuated by the dedicated and focused staff of this Office.

Obviously, with an impasse, no issues are resolved. Conversely, with a settlement, all issues in the case are resolved. Settlement resolutions include the issues that are pending at that moment in time and all issues that could arise in the future. These two characterizations are the polar ends of the spectrum of potential outcomes at a mediation conference, impasse representing nothing and settlement representing everything. Between these two poles are characterizations that represent partial resolution, primarily of the issues currently pending in the case. It is critical to remember that the workers’ compensation litigation process in Florida is separate from the overall workers’ compensation process. The vast majority of accidents that occur in Florida are reported and benefits provided without resort to the litigation process managed by the OJCC. Those claims are “open” in the perspective of the Division of Workers’ Compensation, but are not known to the OJCC. Only when a dispute arises do claims come within the purview of the OJCC, through the filing of a Petition for Benefits.

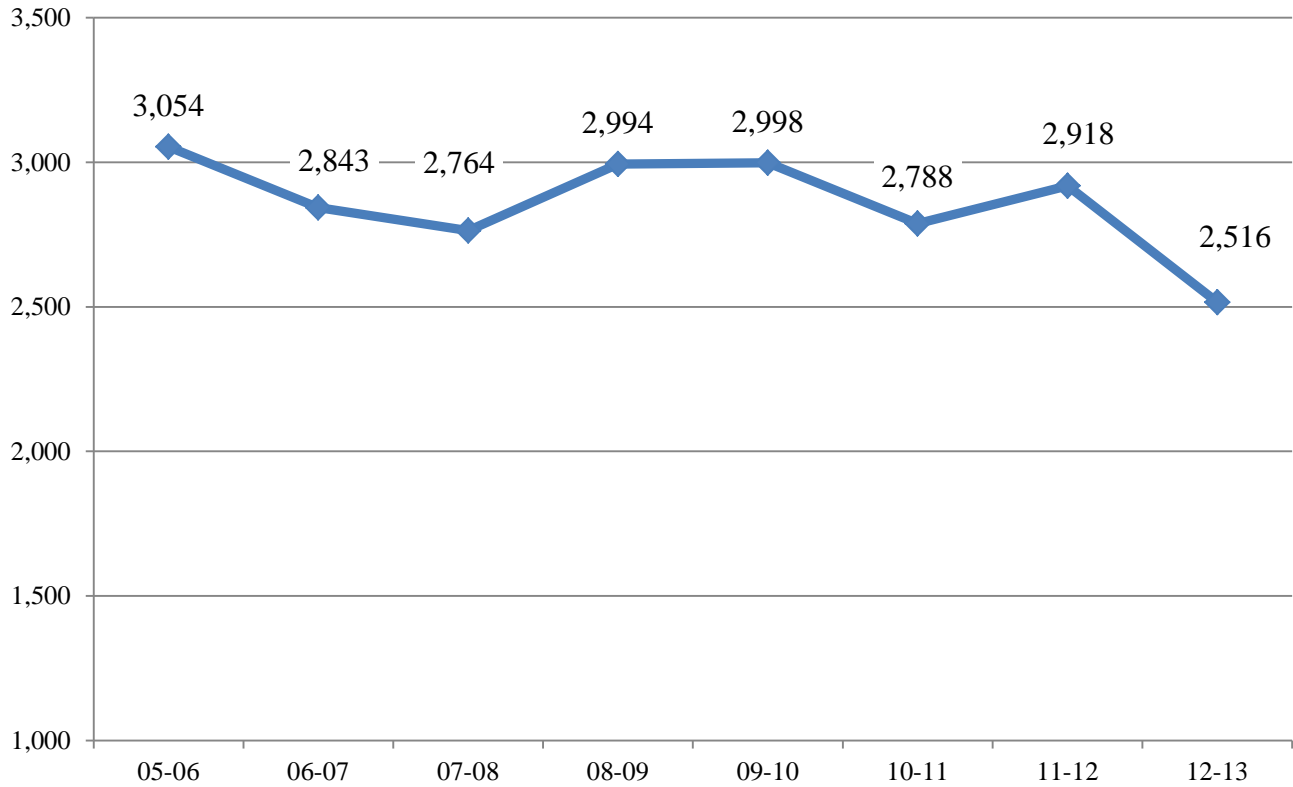
Most Petitions are scheduled for mediation, and the primary focus of the OJCC mediator is to resolve some portion of the claims, that is the individual workers’ compensation benefit, within that petition. The OJCC tracks the extent of resolution in these statistics and reports. From the least resolution to the most, the continuum is as follows:

Impasse Some Issues Resolved All Resolved Except Fees All Resolved Settlement

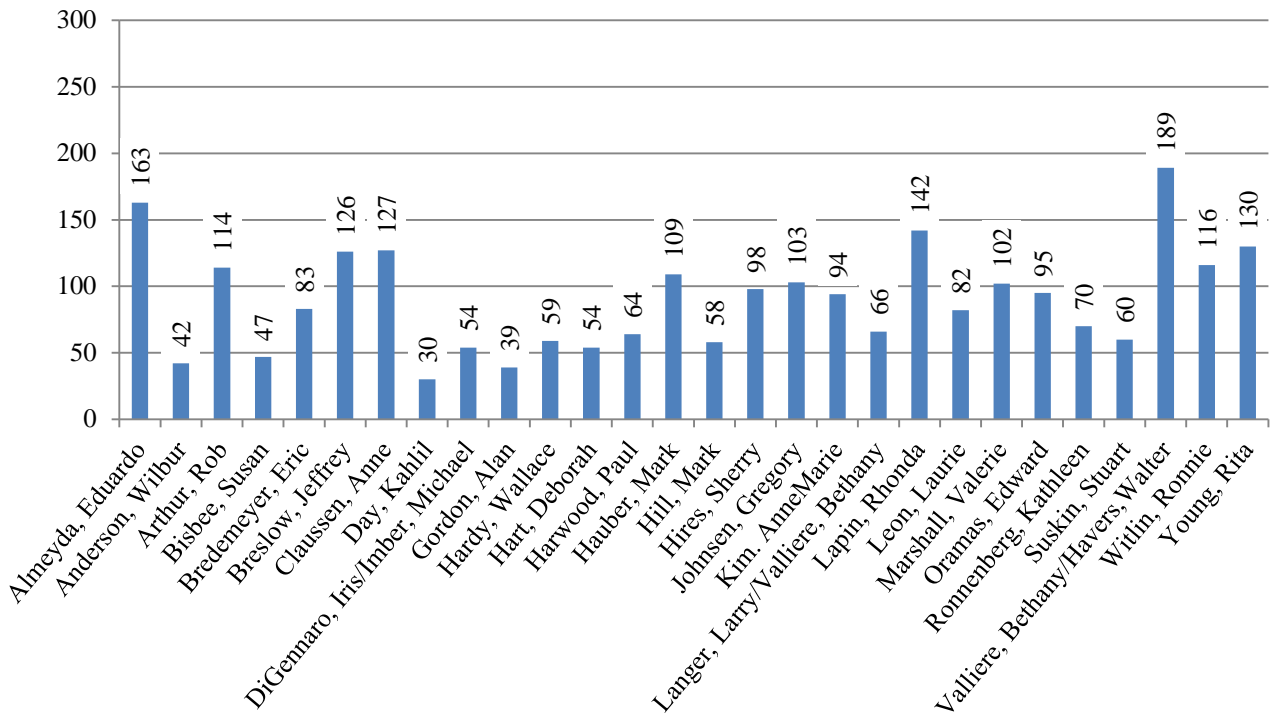
The statistics for impasse are expressed above, and the degree of resolution potentials discussed above are each expressed in the charts on the following pages.



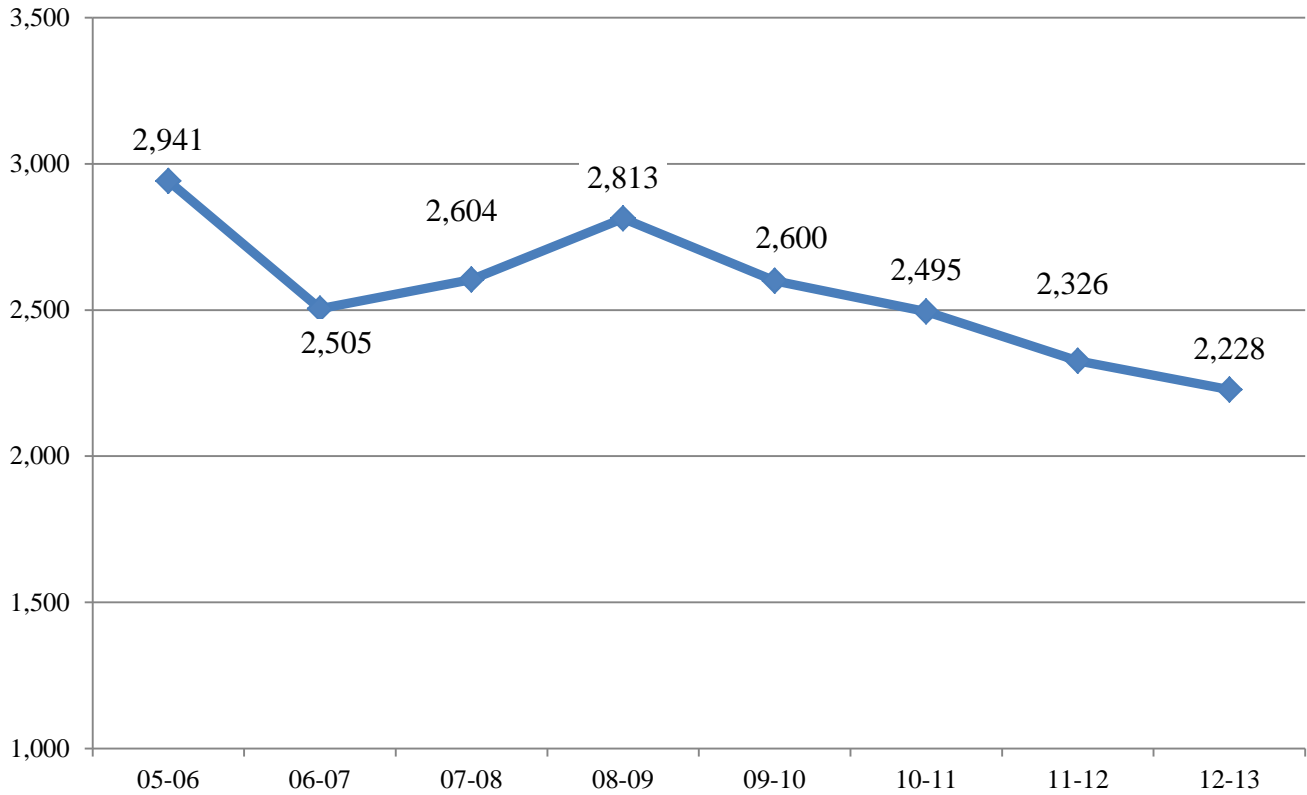
Overall "Some Issues Resolved"



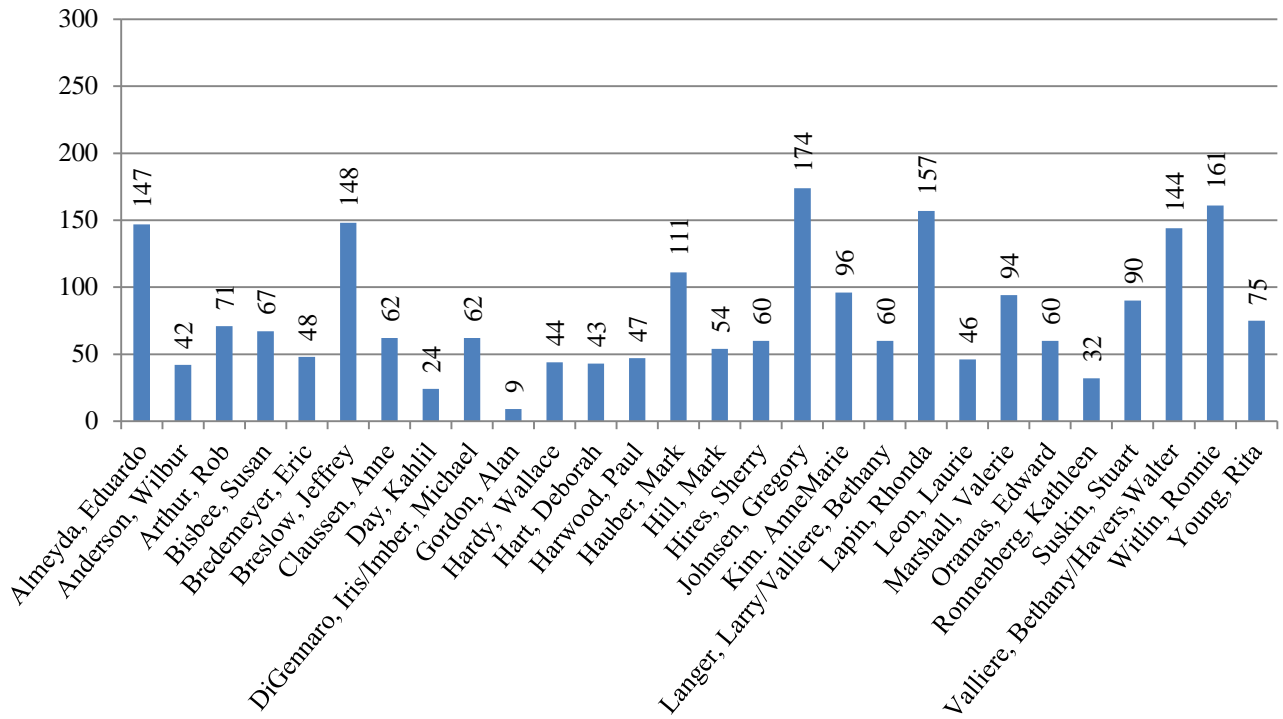
"Some Issues Resolved" for Each Mediator



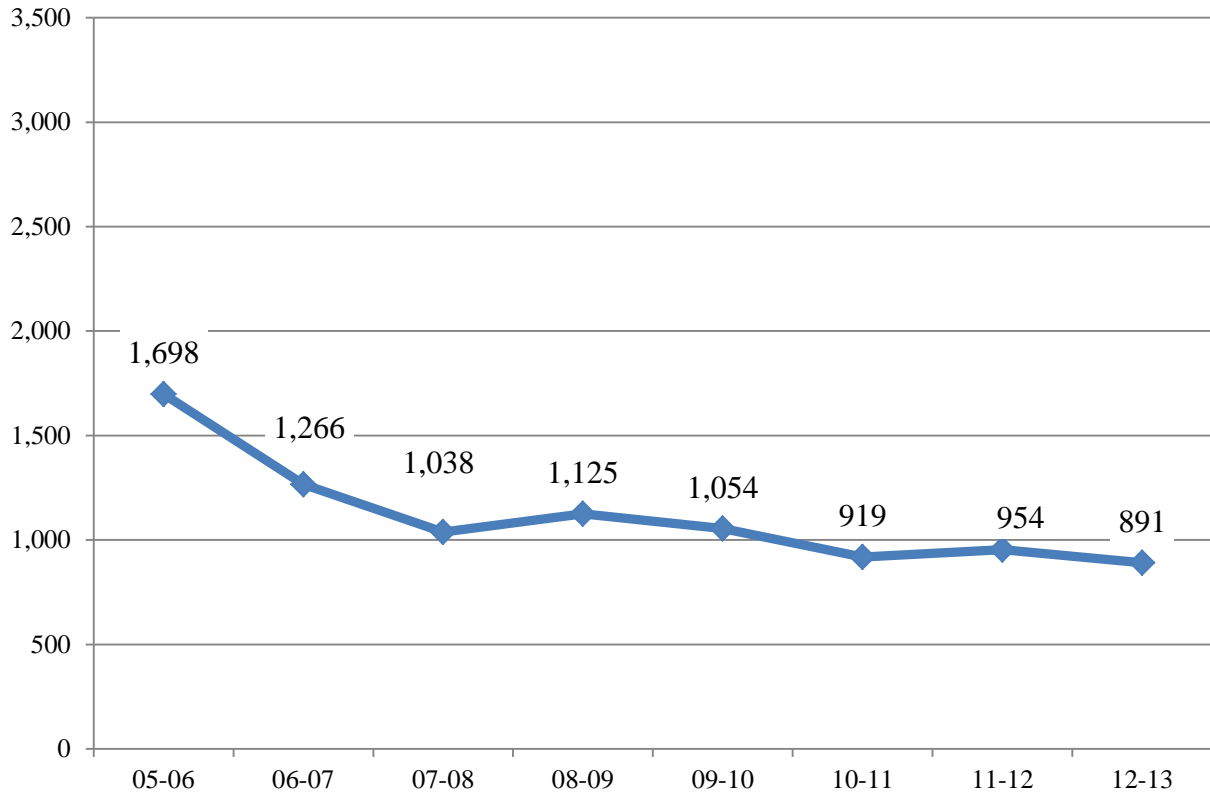
Overall "All Resolved Except Fees"



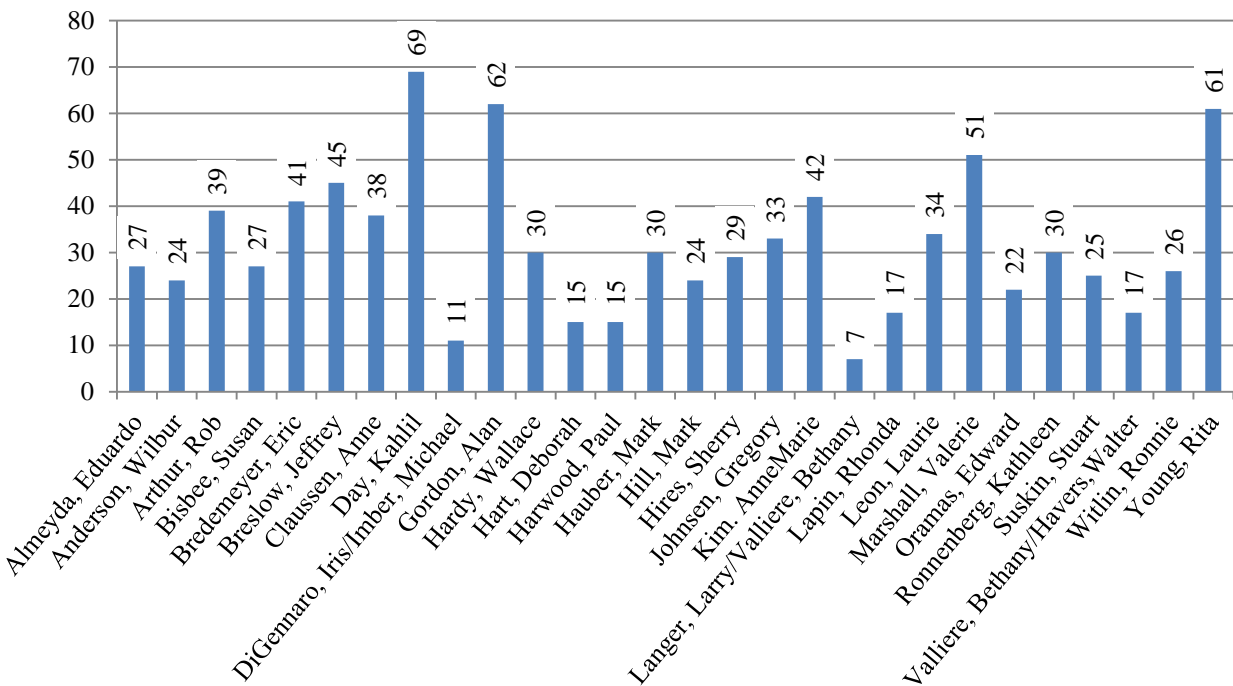
"All Resolved Ex. Fees" for Each Mediator



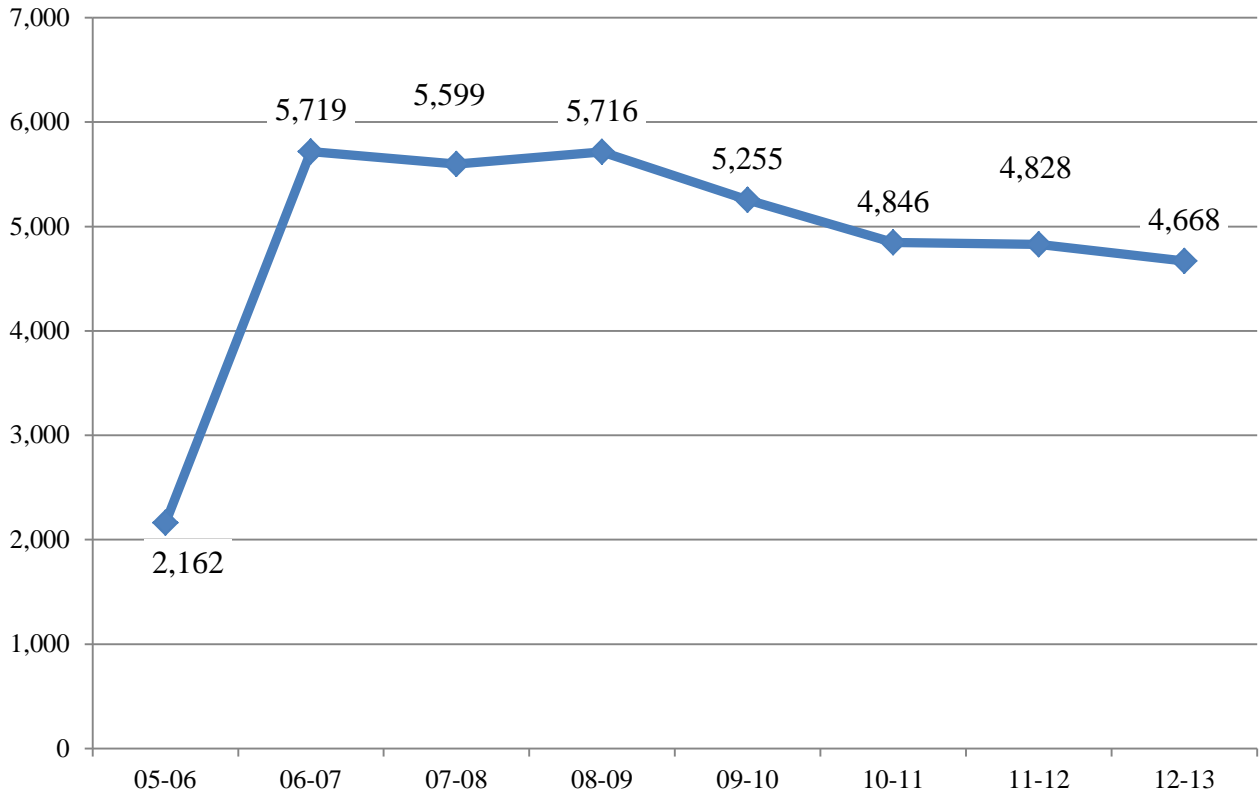
Overall "All Issues Resolved"



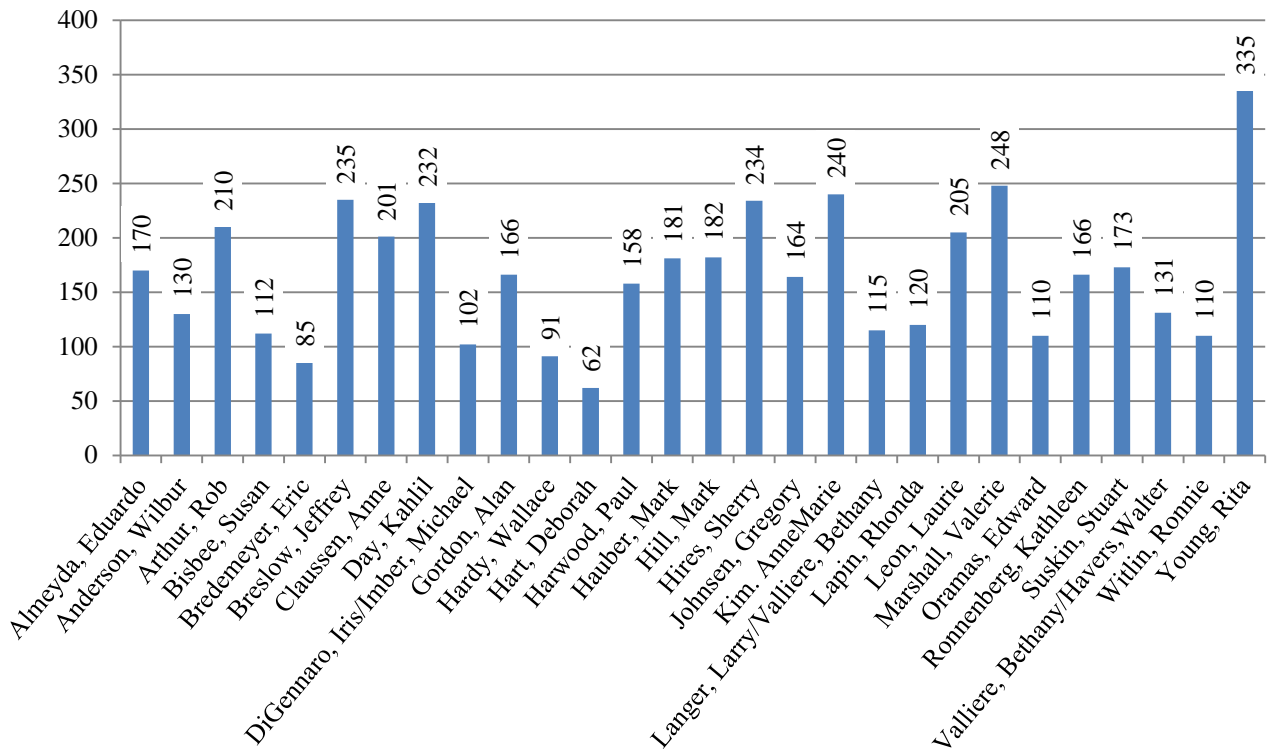
"All Issues Resolved" for Each Mediator



Overall "Settled"



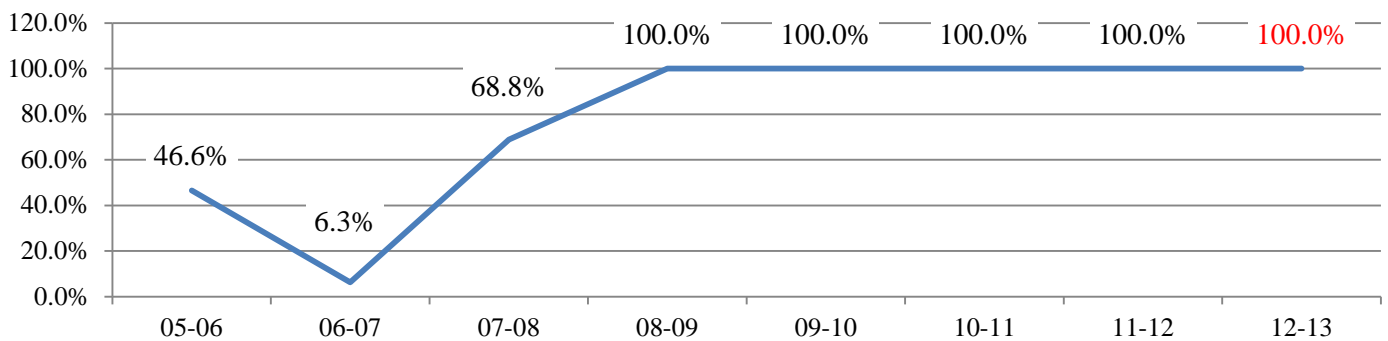
"Settled" for Each Mediator



Timeliness of Mediations:

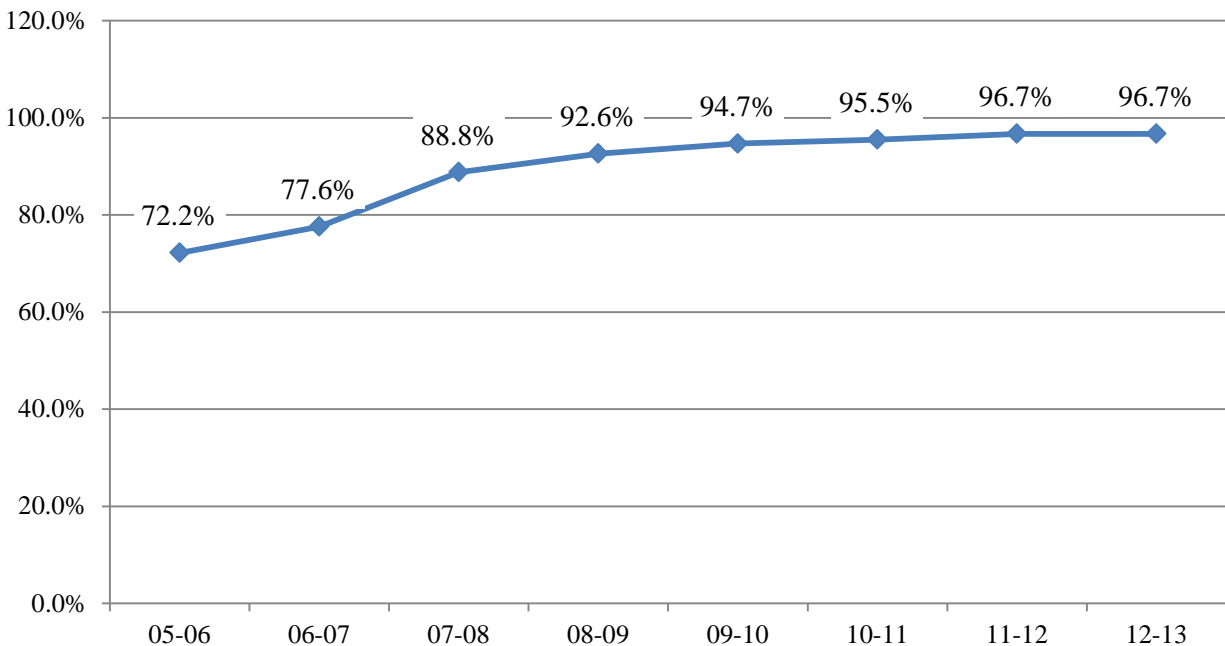
The Florida workers' compensation law requires that mediation occur within 130 days of the PFB filing. There are nonetheless situations in which this parameter cannot be met. In personal injury actions, it is common that mediation is occurring after the rendition of medical modalities and the injured person has reached maximum medical improvement. Conversely, in workers' compensation cases, it is common that mediation on some benefits is occurring while medical care is ongoing. Therefore rescheduling to accommodate medical appointments, and other exigencies does occur. Of primary concern is whether the mediation process is fulfilling the 130 day requirement generally, and this is most easily measured by consideration of the average days between PFB filing and the first mediation for each mediator. Considering this 130 day parameter in this context, the OJCC mediators have made considerable progress in recent years. In each of the last four fiscal years, all of the OJCC mediators averaged less than 130 days between Petition filing and the initial mediation.

Percent of State Mediators Averaging Less than 130 Days to First Mediation



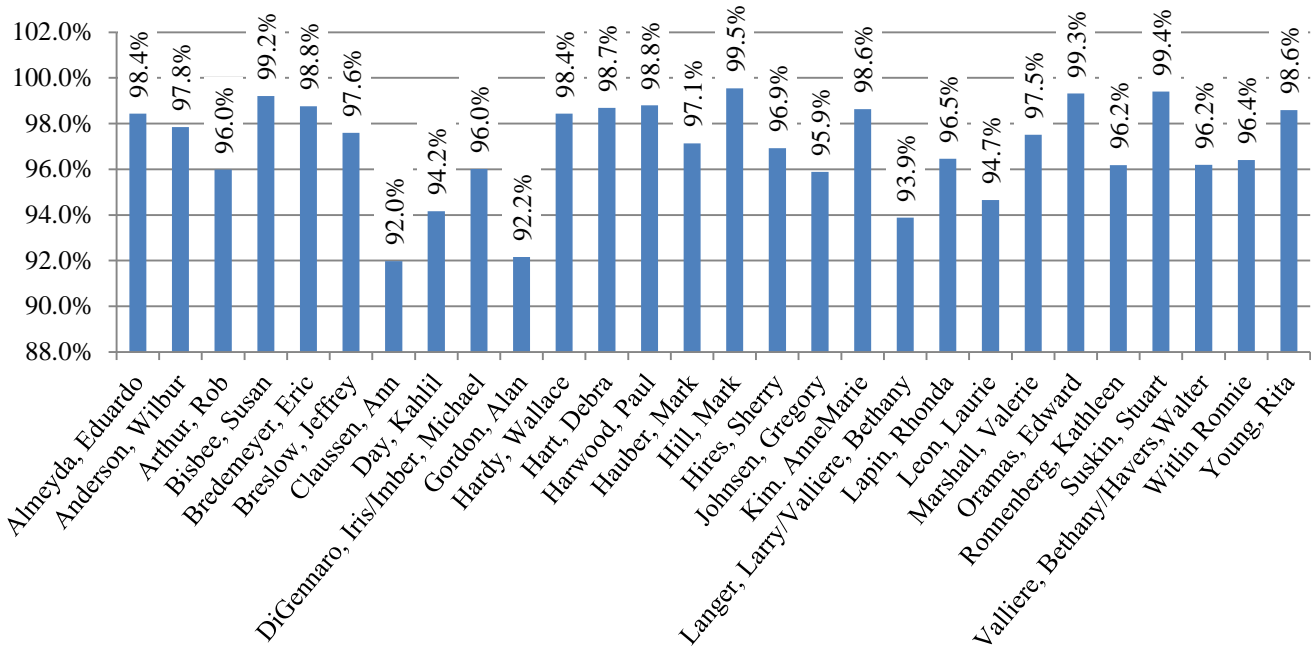
In fact, in 2012-13 the OJCC mediators mediated approximately 97% of the PFB within the 130 day statutory parameter. Fifty-three percent were mediated within ninety days. This marks outstanding improvement over the last six years.

Percent Mediated within 130 Days



Fiscal Year	Petitions Filed	Mediations Continued	Med. Cont./ PFB Filed
2002-03	151,021	2,755	1.82%
2003-04	127,458	2,036	1.60%
2004-05	107,268	3,333	3.11%
2005-06	90,948	4,756	5.23%
2006-07	82,607	2,336	2.83%
2007-08	72,718	1,328	1.83%
2008-09	73,863	1,302	1.76%
2009-10	67,971	940	1.38%
2010-11	64,679	963	1.49%
2011-12	61,354	717	1.17%
2012-23	58,041	364	0.63%

Percent Mediated within 130 Days for Each Mediator

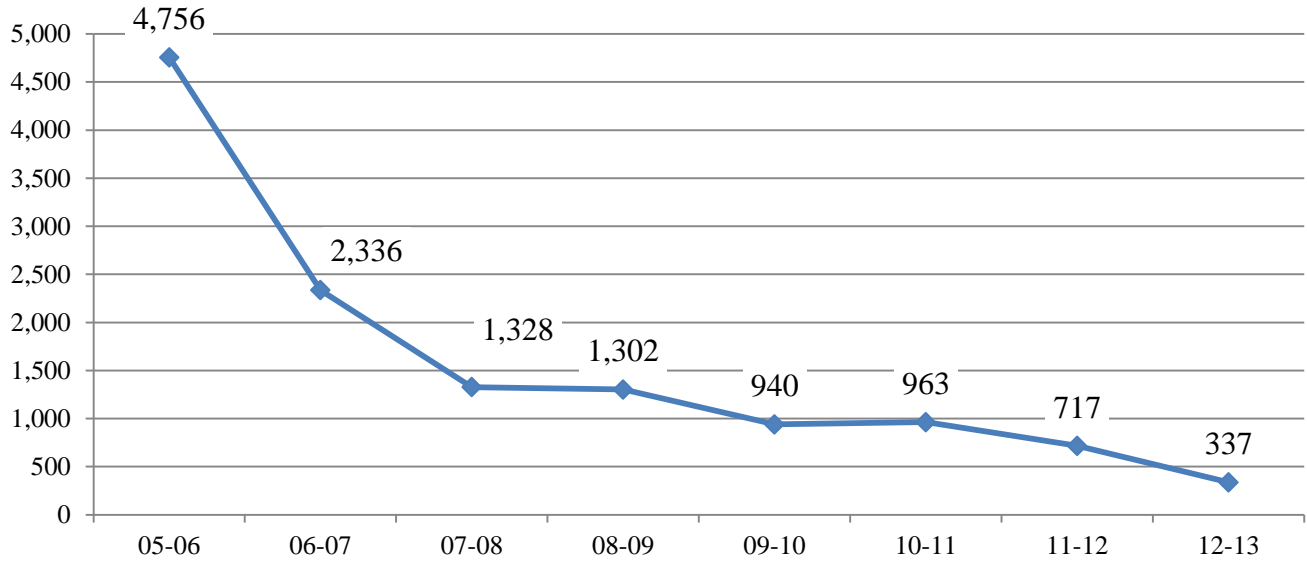


Mediations Continued:

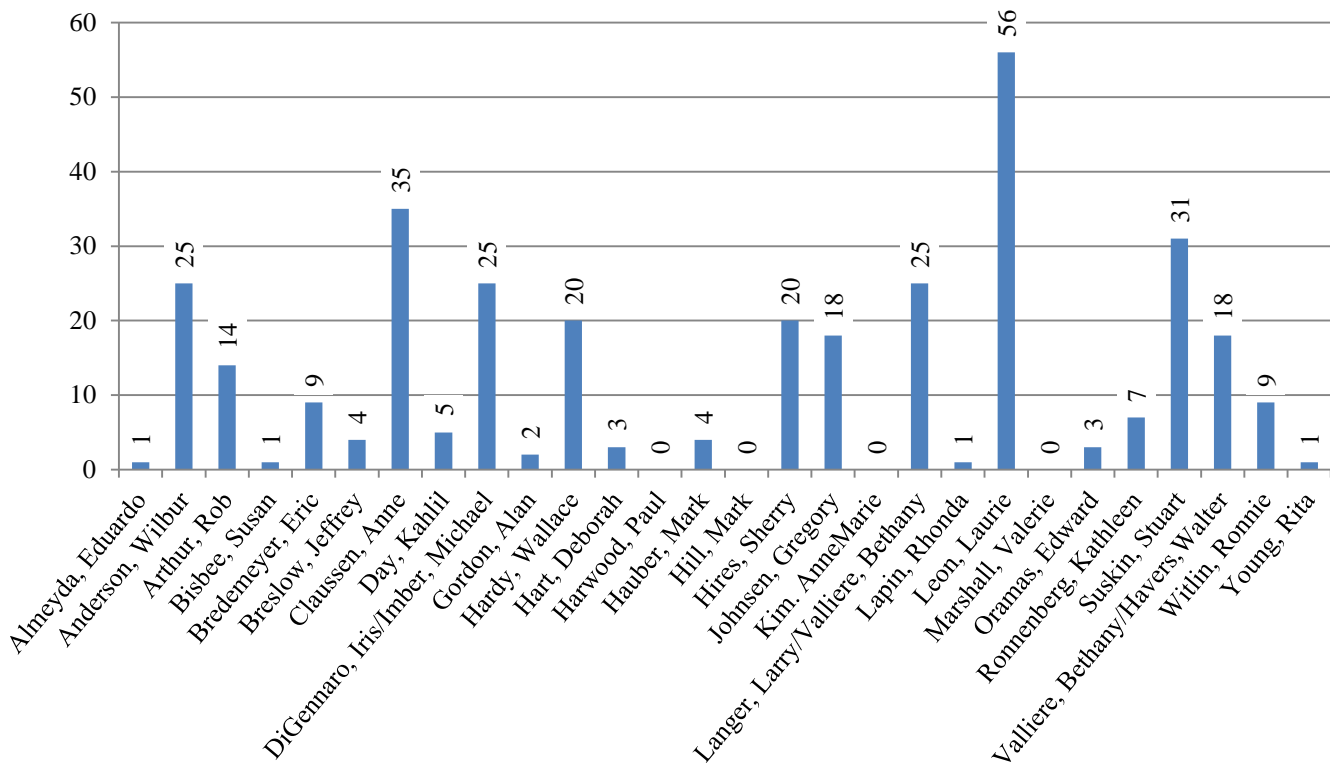
Mediation continuances increased markedly in fiscal years 2004-05 and 2005-06. The cause of that trend remains unknown. However, those volumes may have been increased by the volume of weather-related office closures that year, as Florida endured serial cyclone landfalls which affected virtually every Florida County. Those storms caused Carriers to close offices in central Florida (frustrating mediations in unaffected districts elsewhere) and by closing district offices at which the mediations would otherwise have been held. The mediation continuance trend reversed in 2006-07, decreased significantly in 2009-10, and remained virtually static in 2010-11. The volume of mediation continuances decreased significantly again in 2011-12 and 2012-13. Some portion of the stabilizing figures in recent years is due to the staff training provided by the OJCC since 2006 and the resulting uniformity in the use of the characterization

“continued” within the OJCC database. Some portion of both the stabilizing of these figures and the marked decrease in the number of mediation conference continuances is also likely attributable to the annually decreasing volume of PFB filings and the resulting relief upon the mediator’s individual calendars. Some portion may also be attributable to the increased familiarity of counsel with the statutory timelines since they were imposed. The consistency demonstrated in the figures in recent years supports the conclusion that the mediation continuance process is stable overall.

Overall Mediations "Continued"

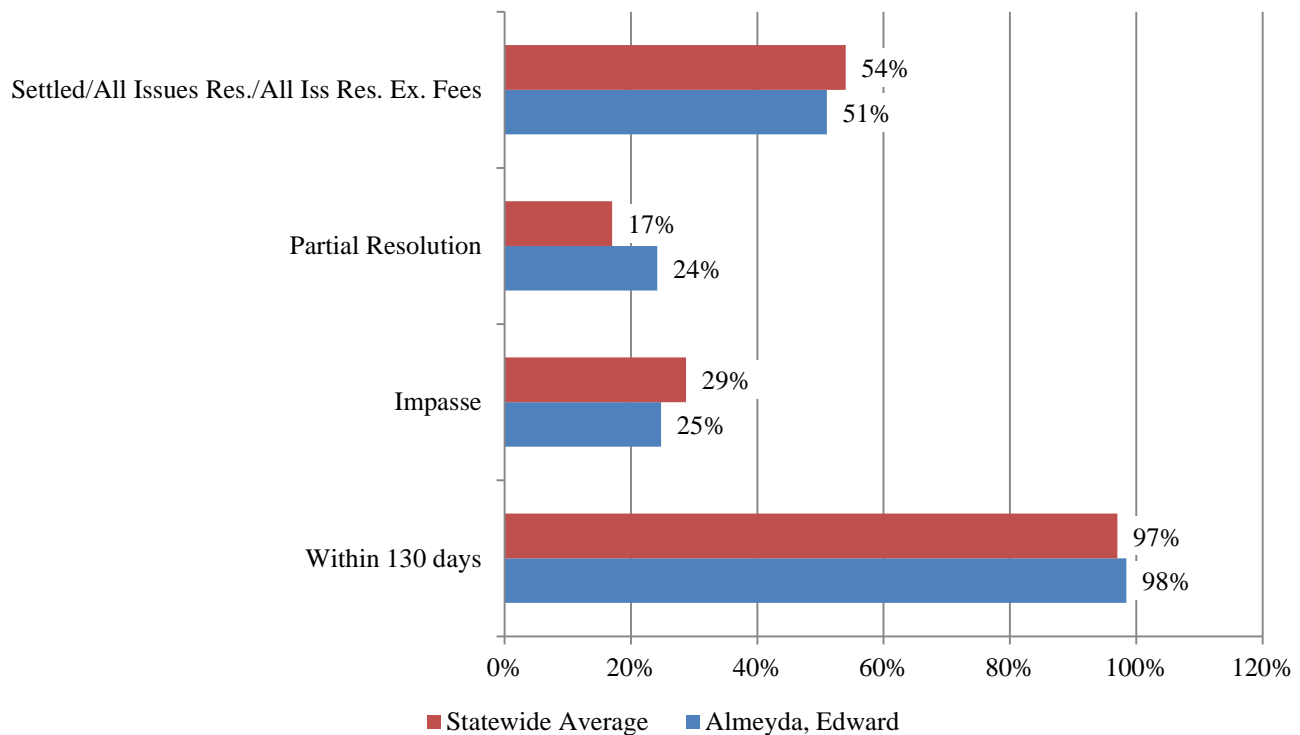
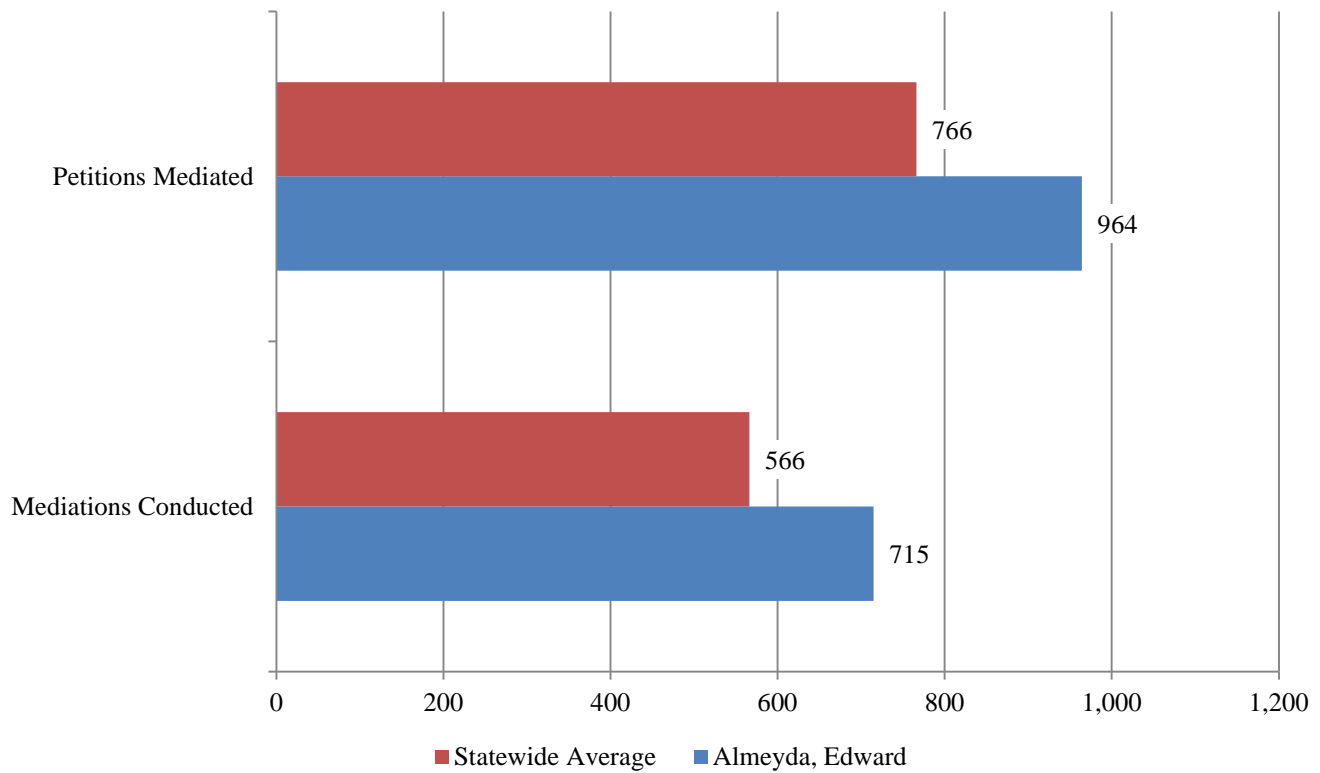


"Continued" for Each Mediator

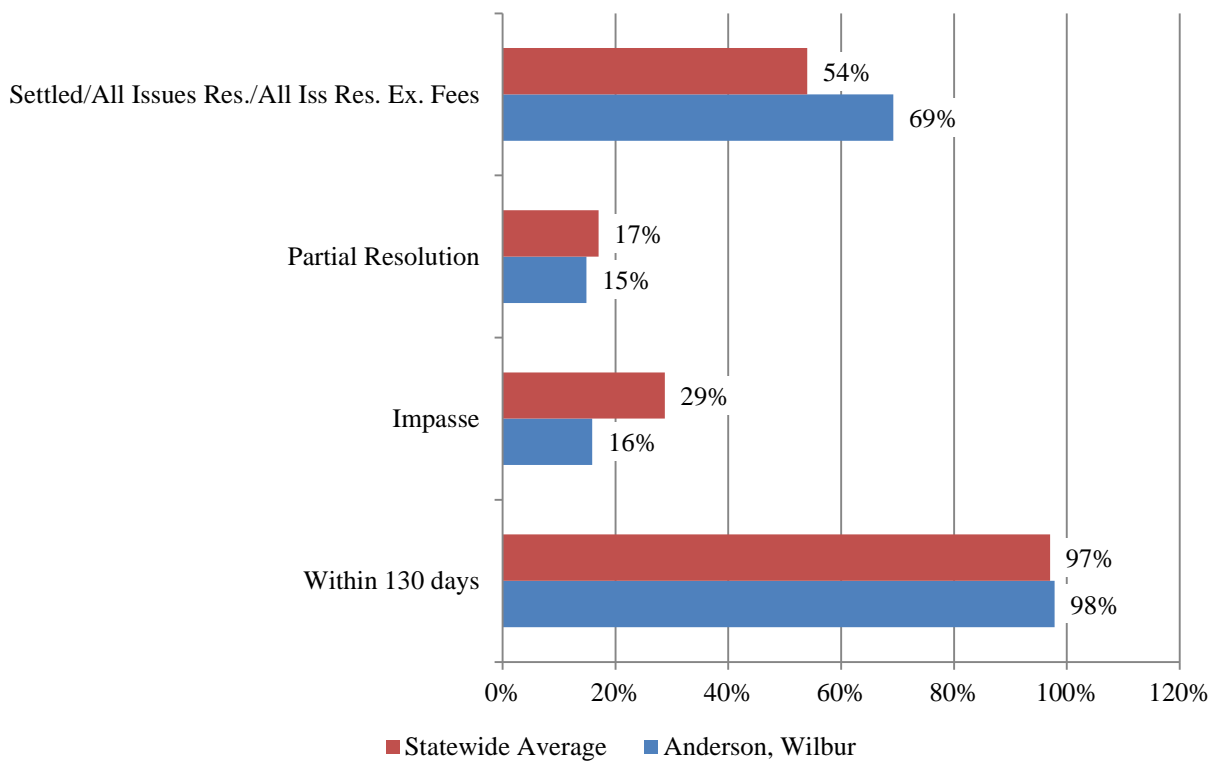
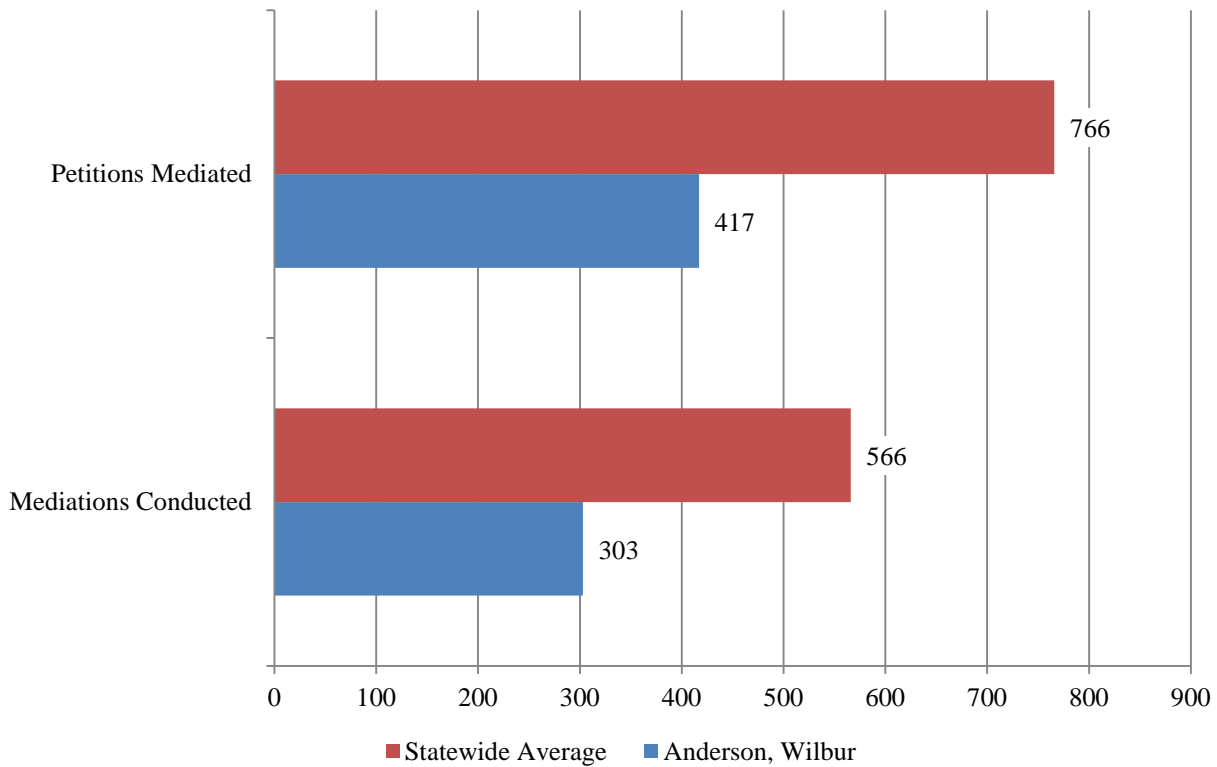


Individual Mediator Statistics:

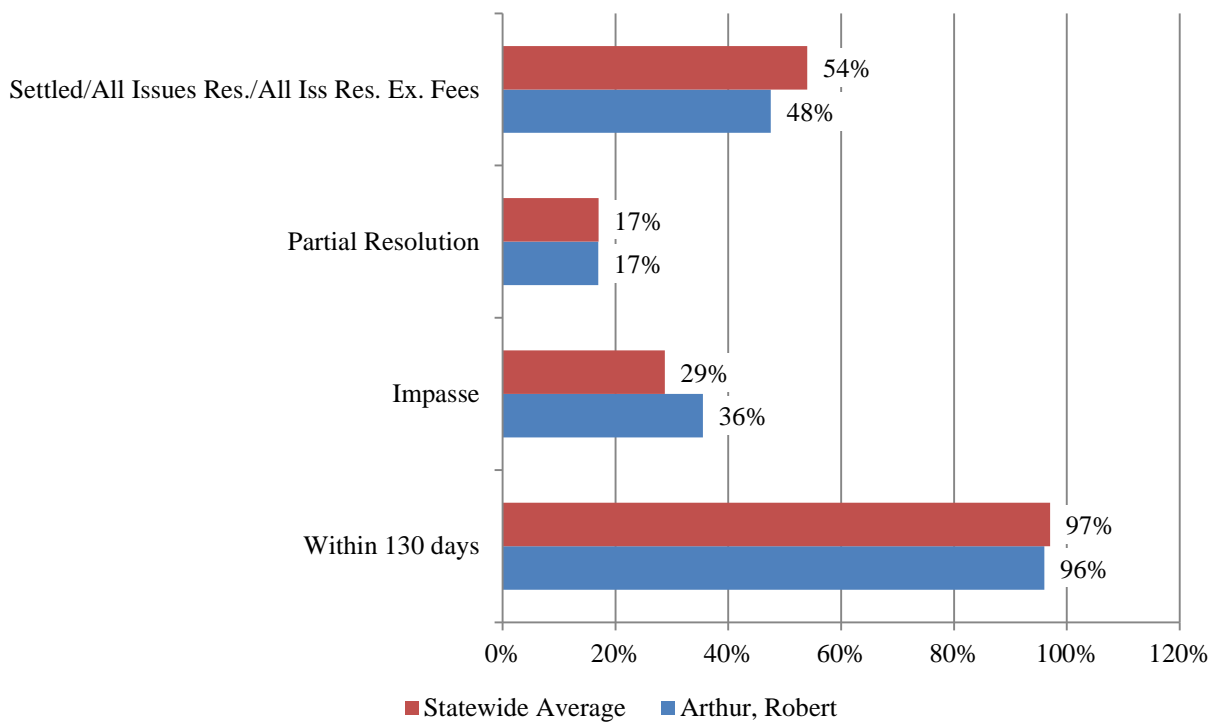
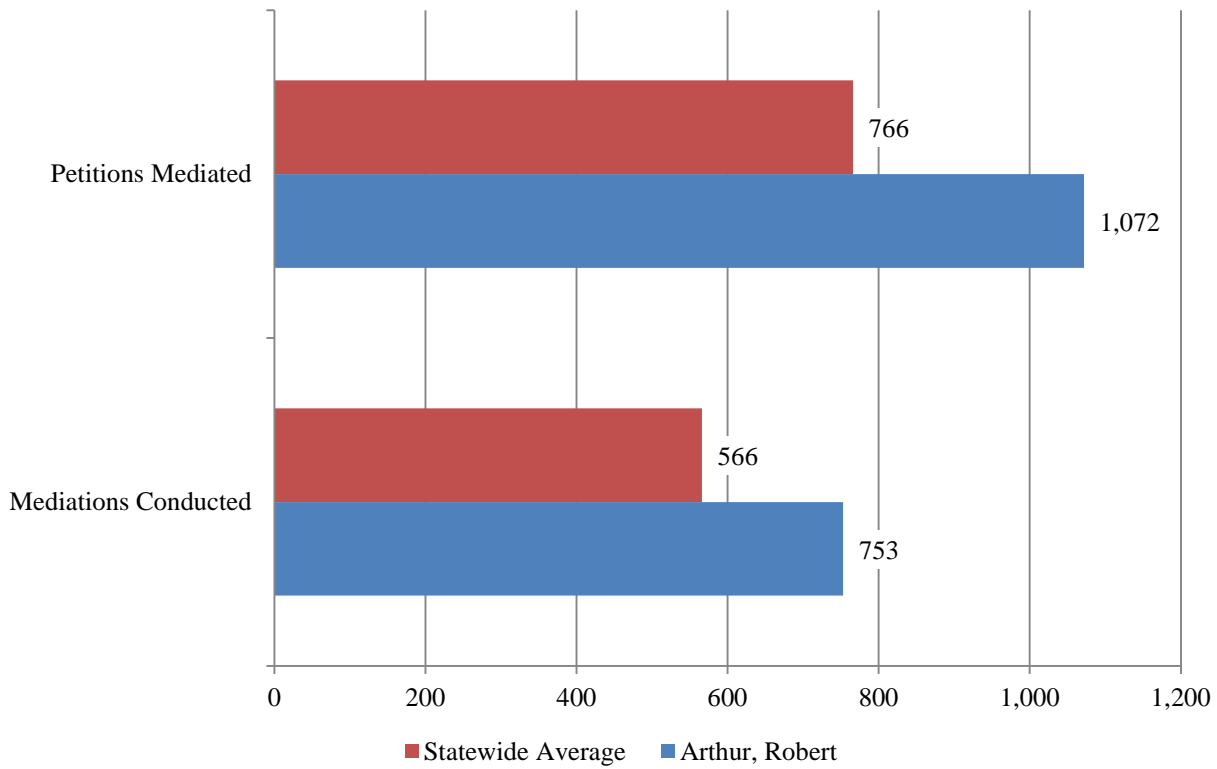
Almeyda, Edward (MIA)

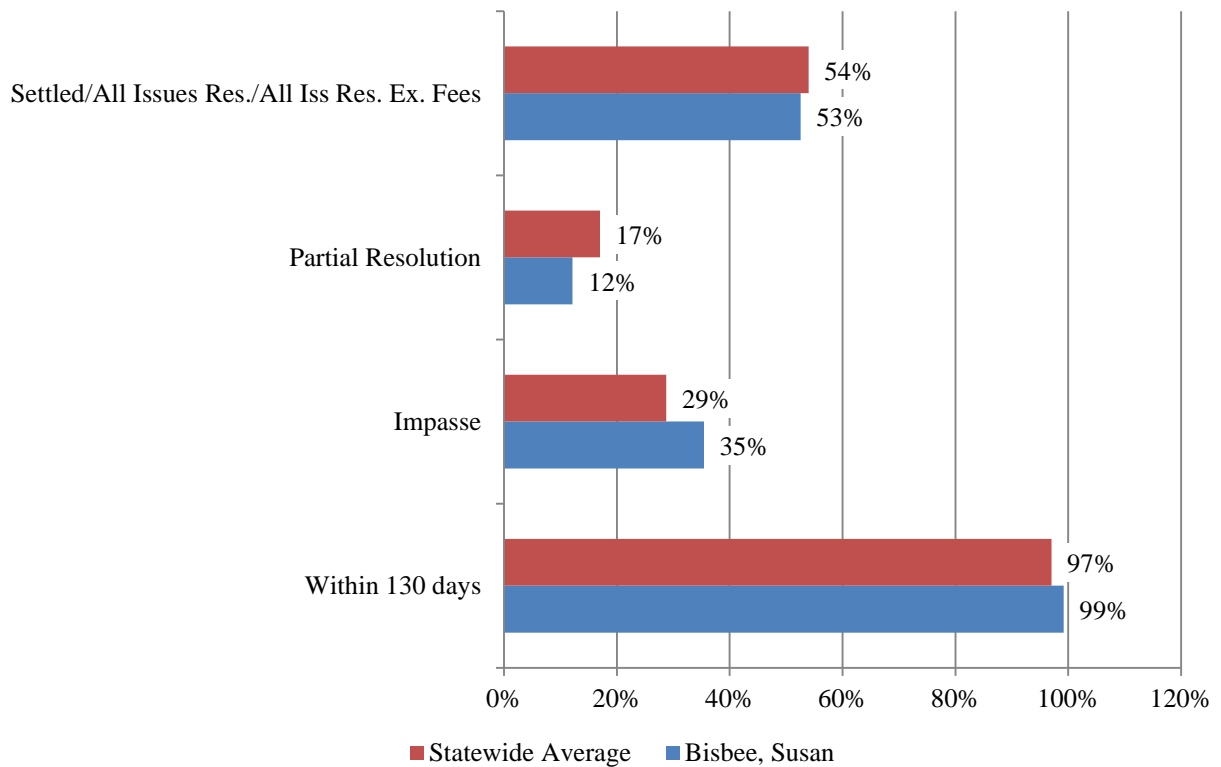
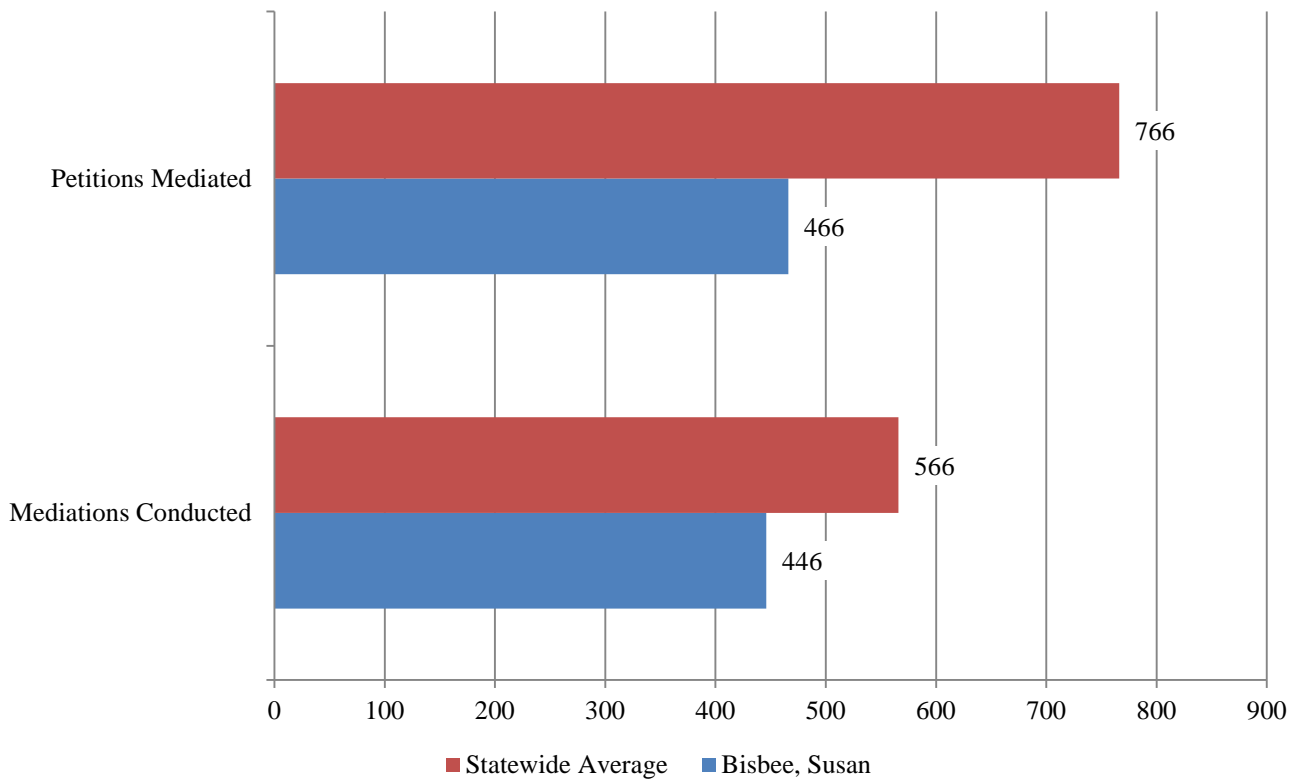


Anderson, Wilbur (DAY)

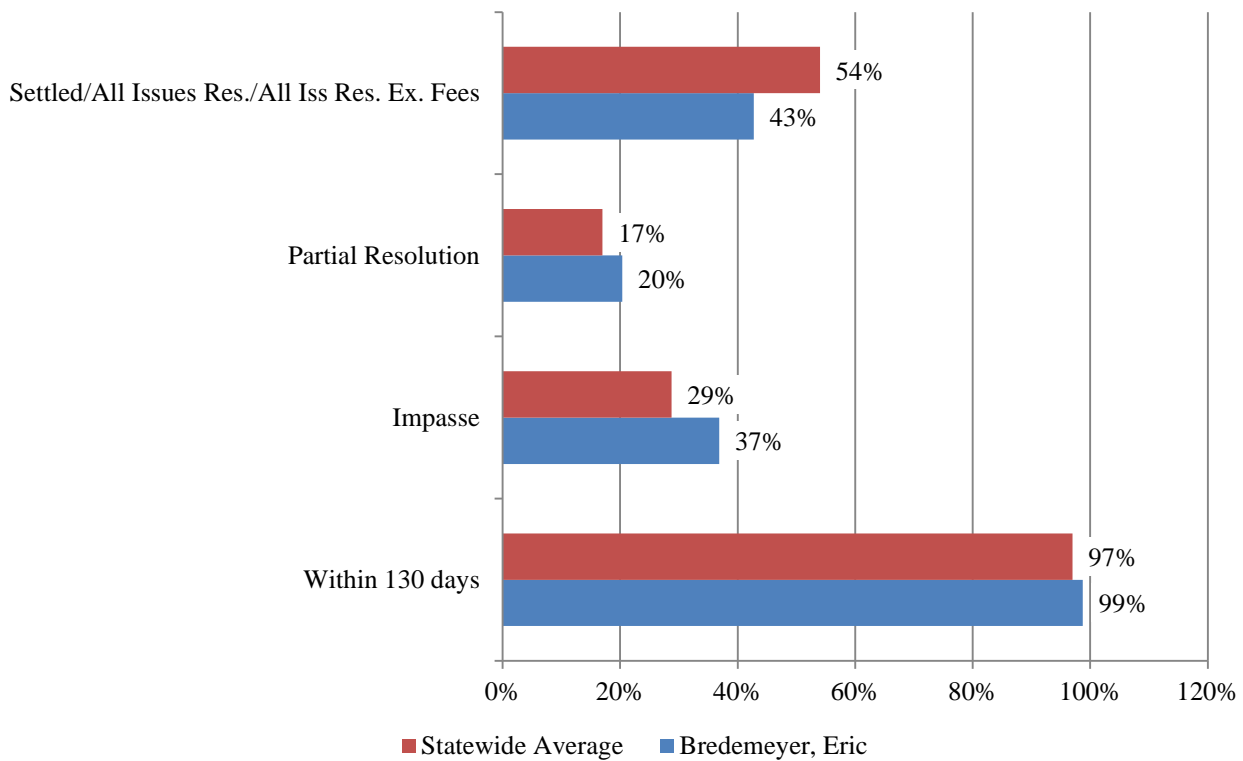
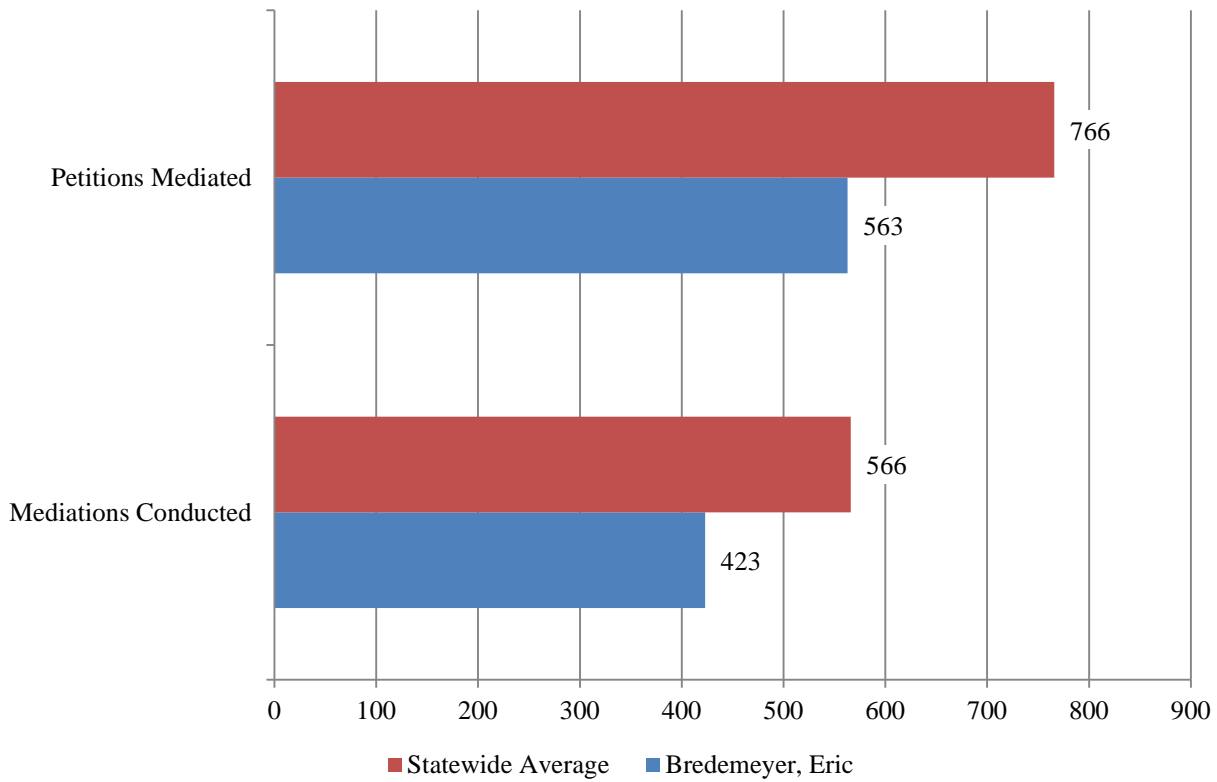


Arthur, Rob (SPT)

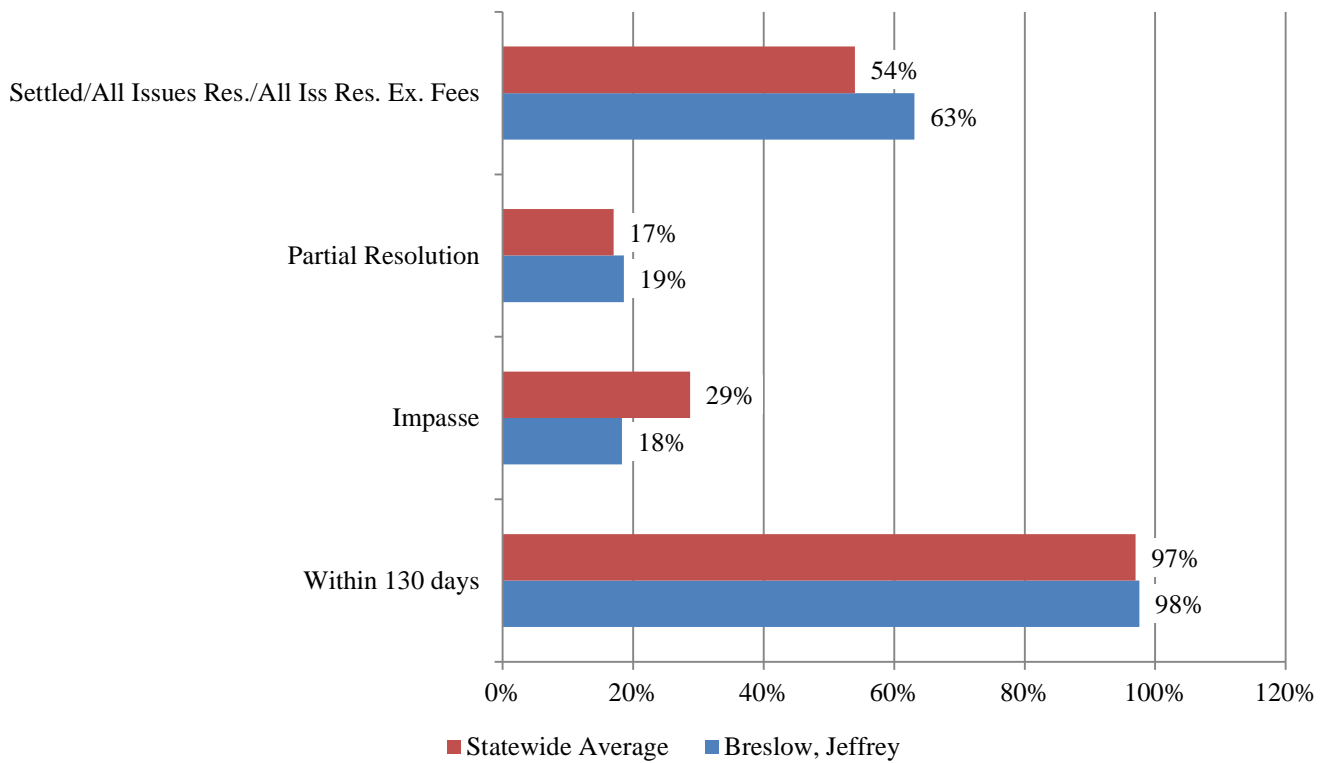
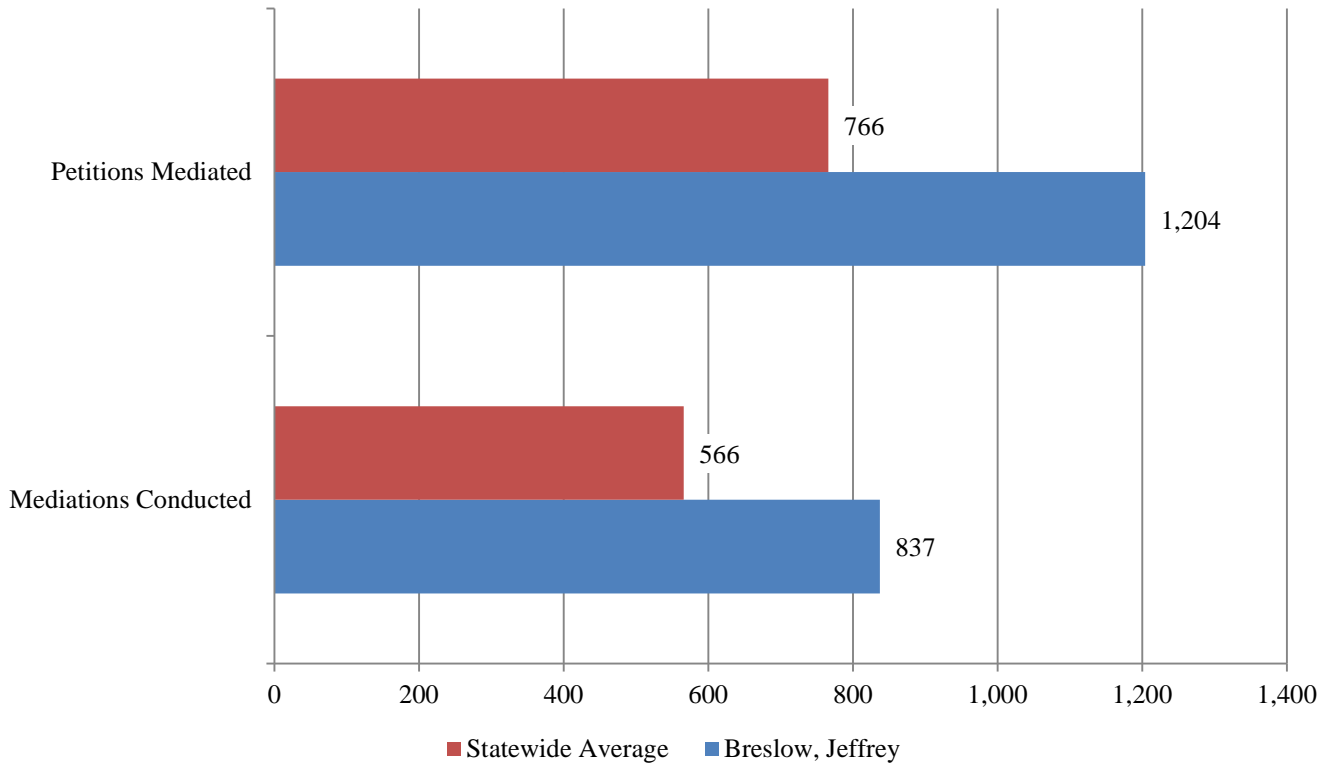




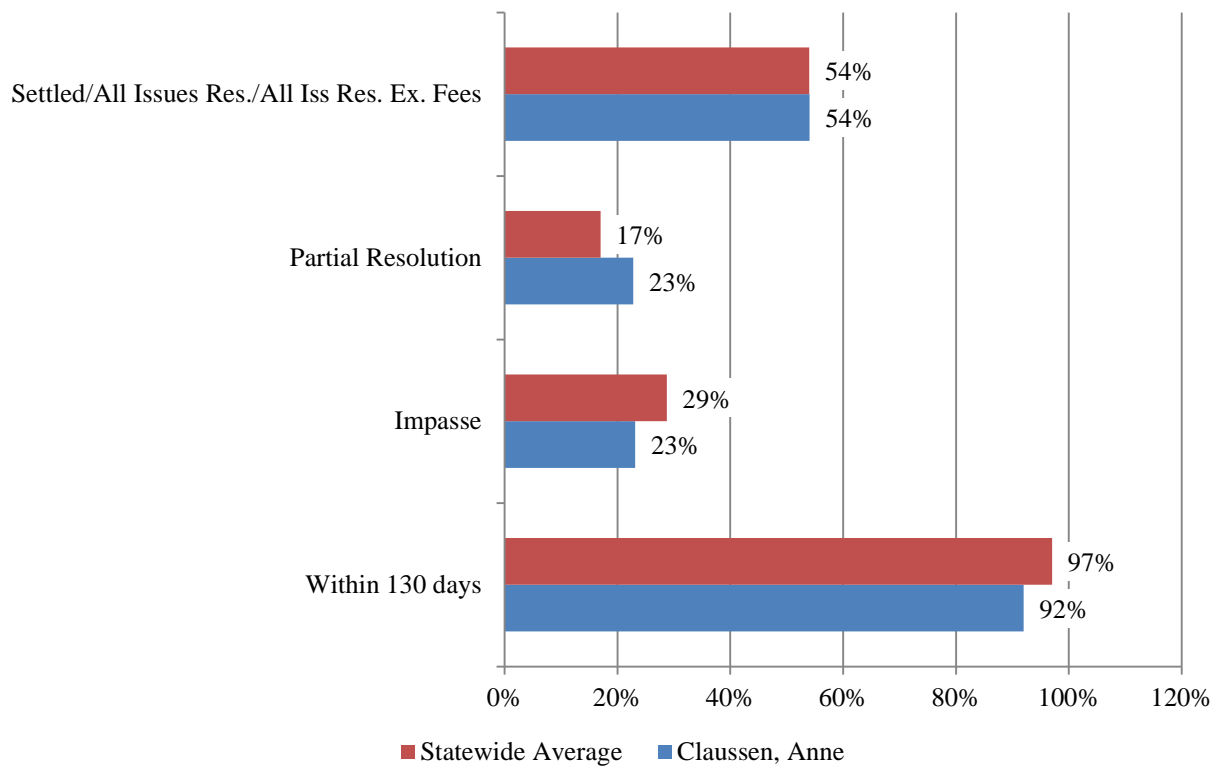
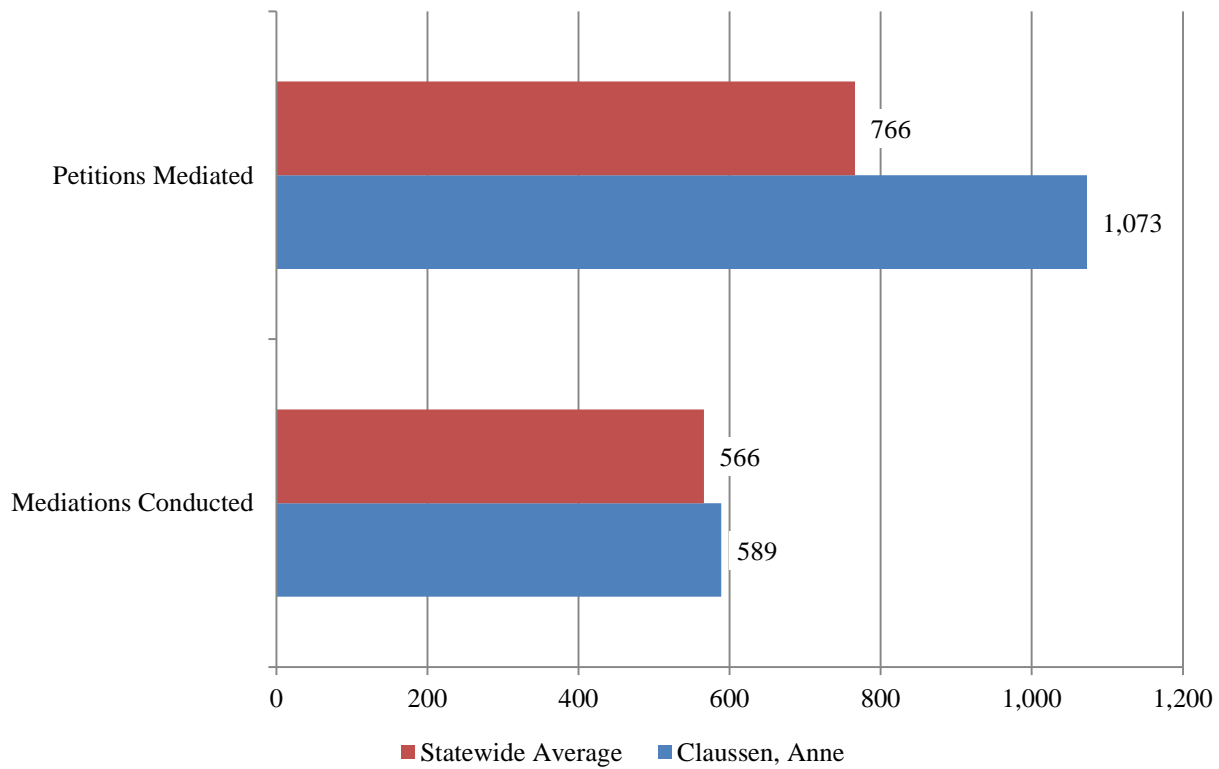
Bredemeyer, Eric (FTM)⁸



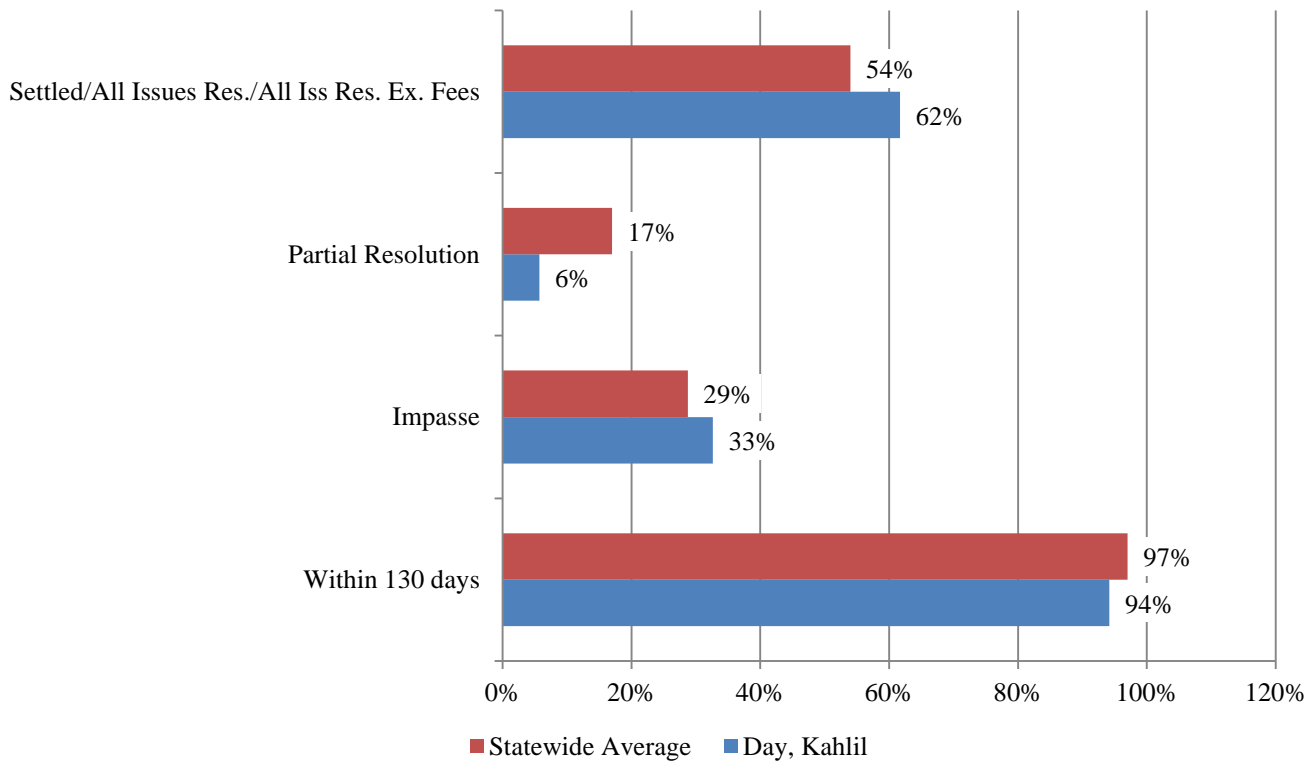
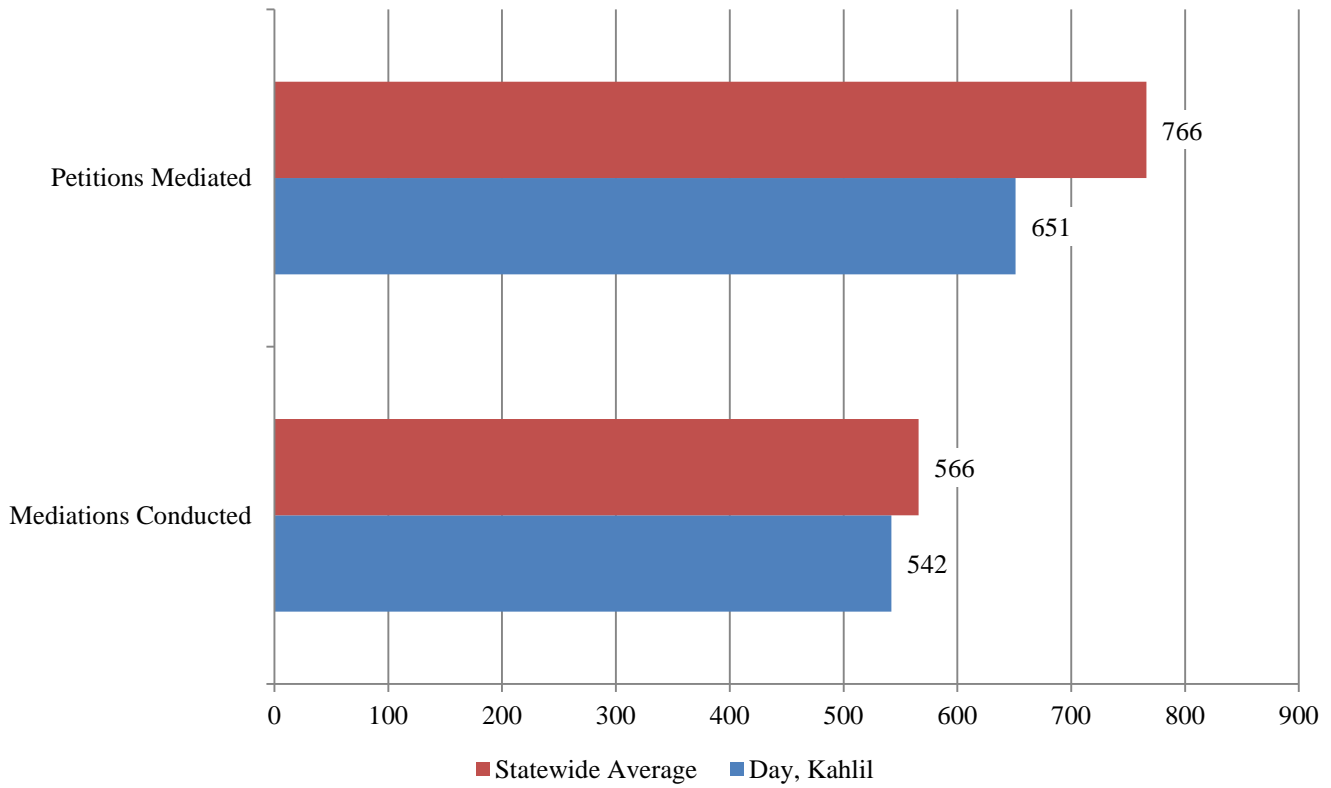
Jeffrey Breslow (FTL)



Claussen, Anne (SAR)

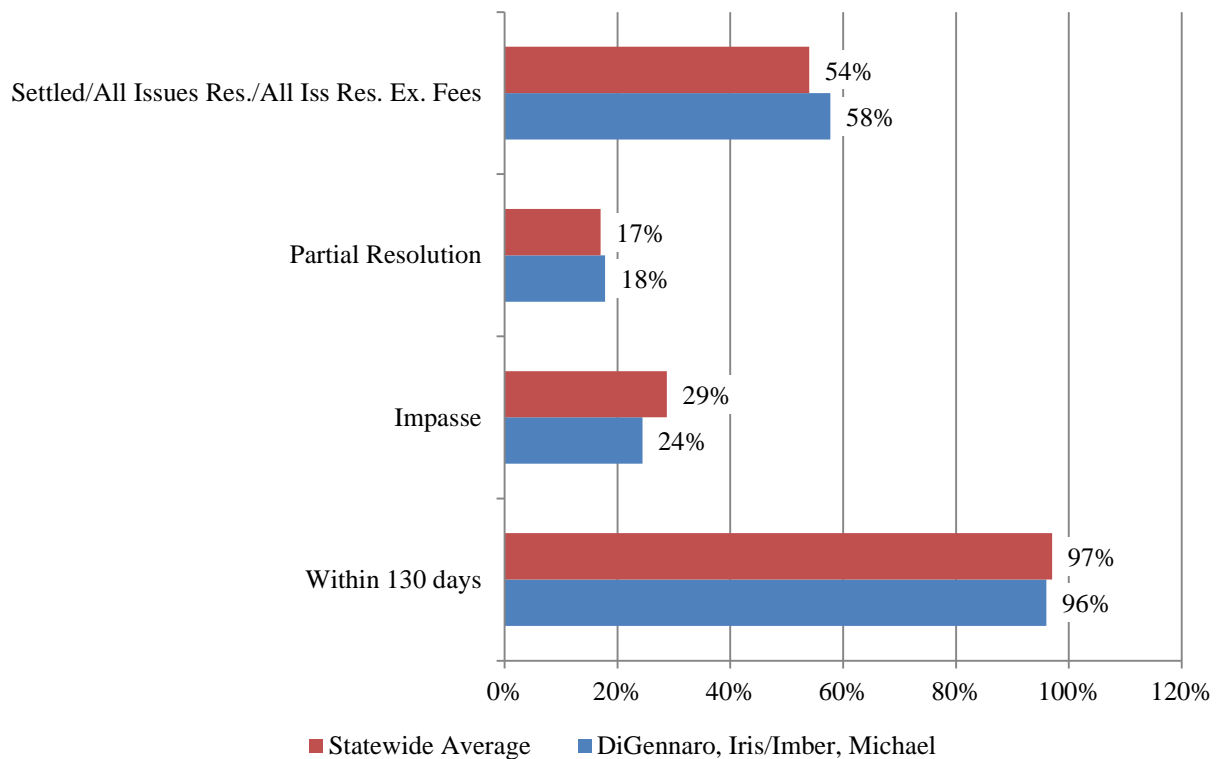
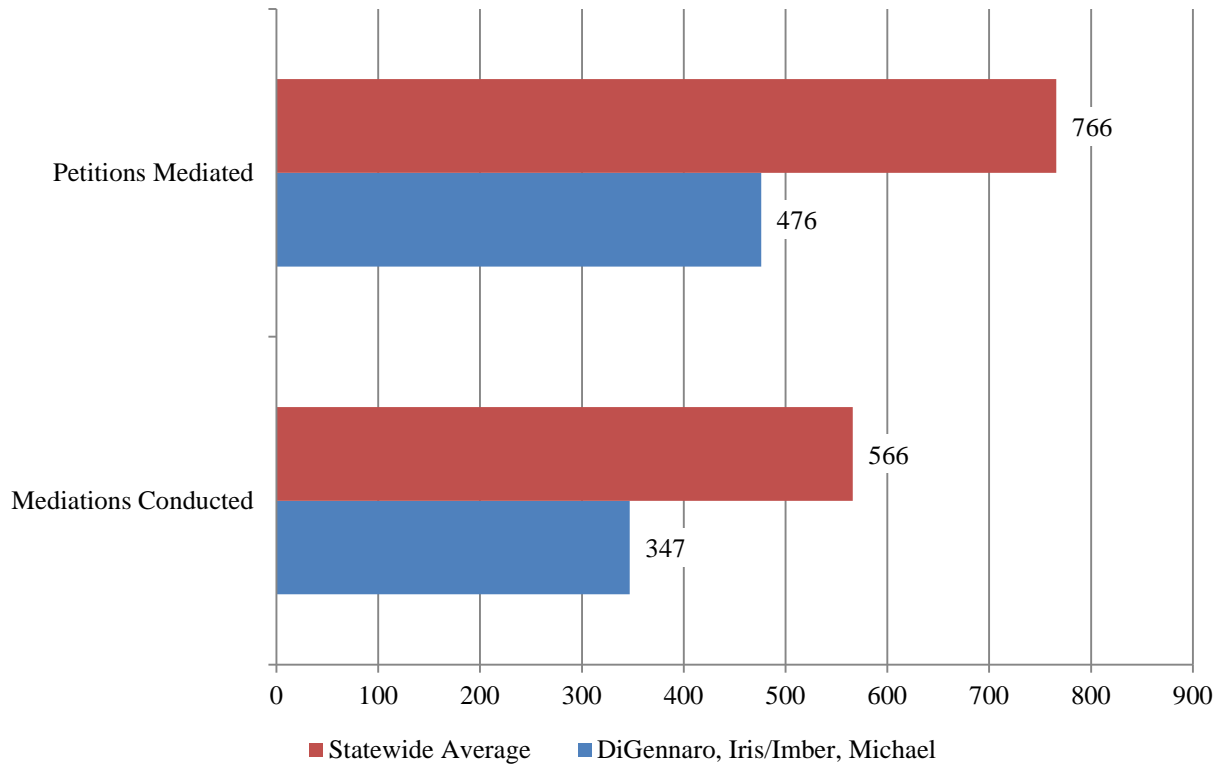


Day, Kahlil (JAX)

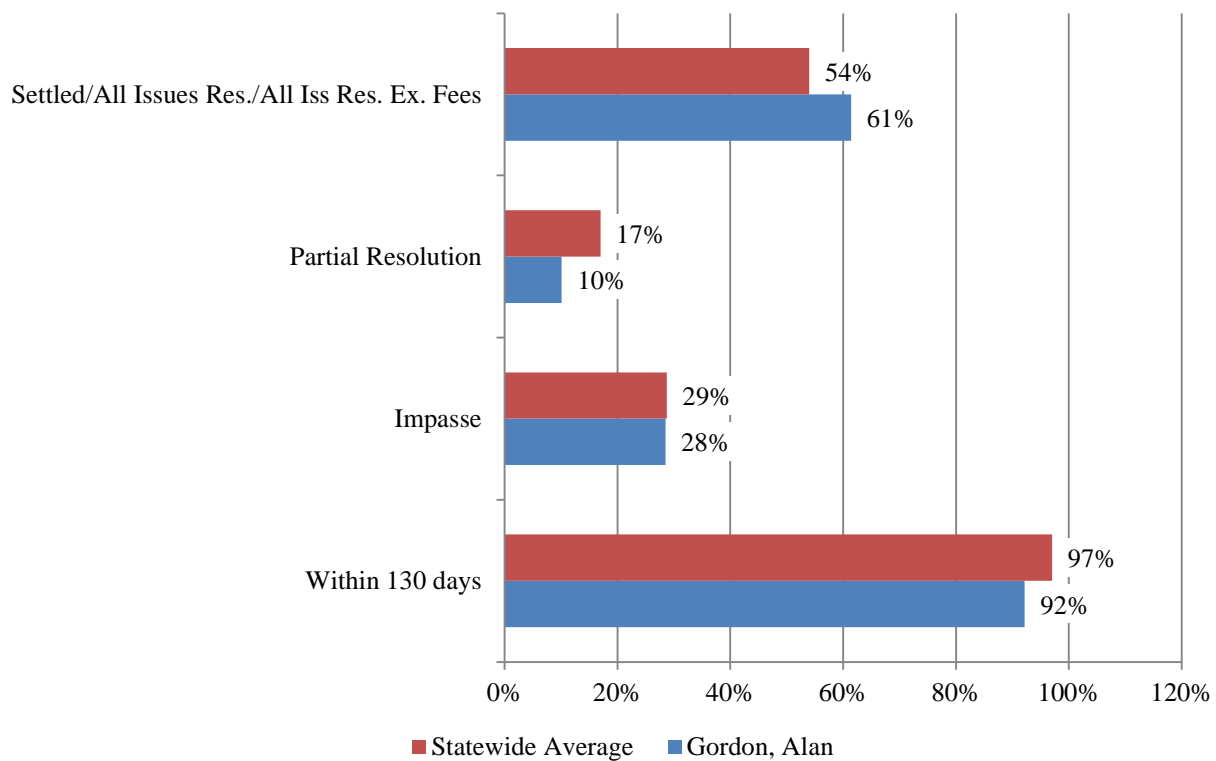
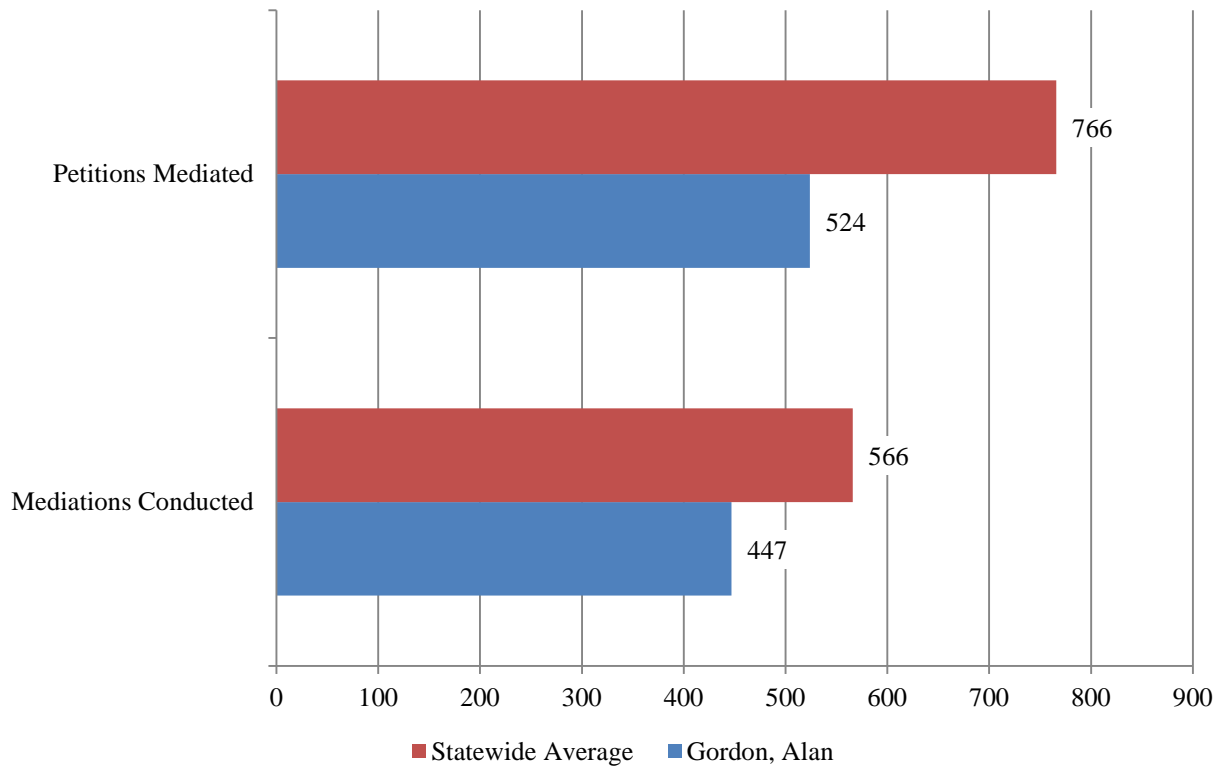


DiGennaro, Iris/Imber, Michael (WPB)

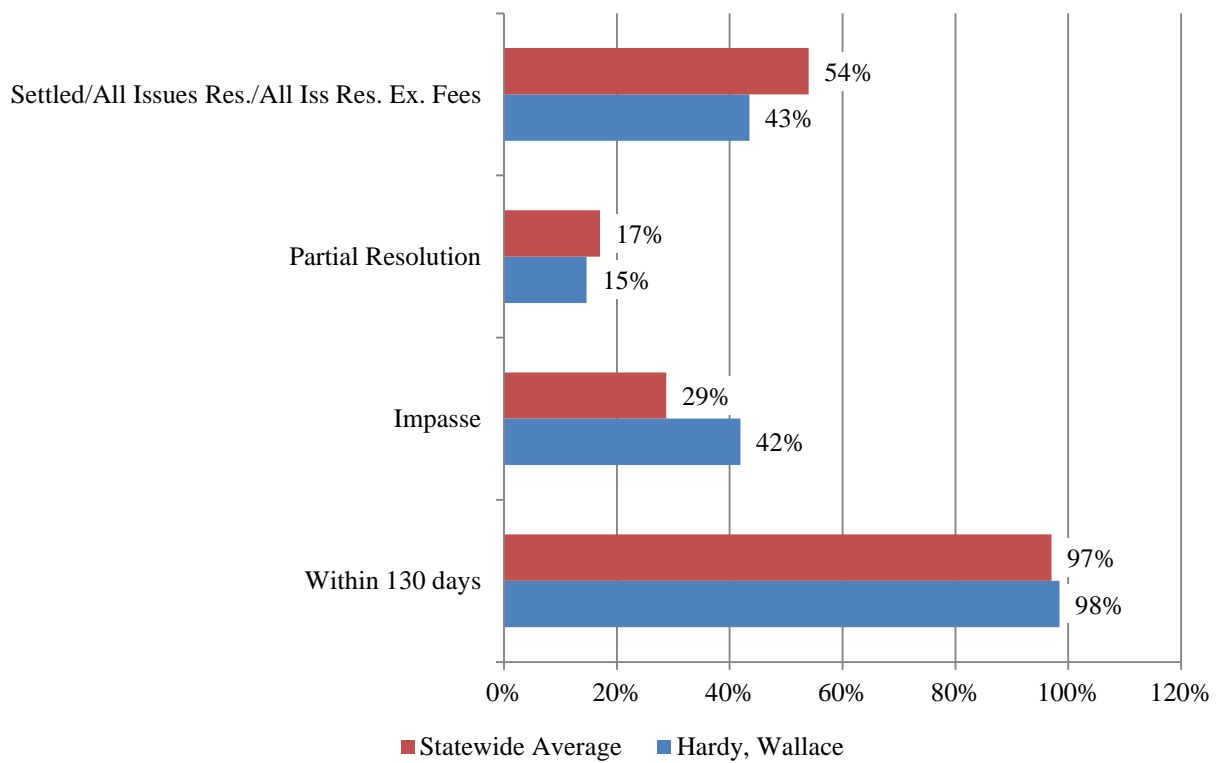
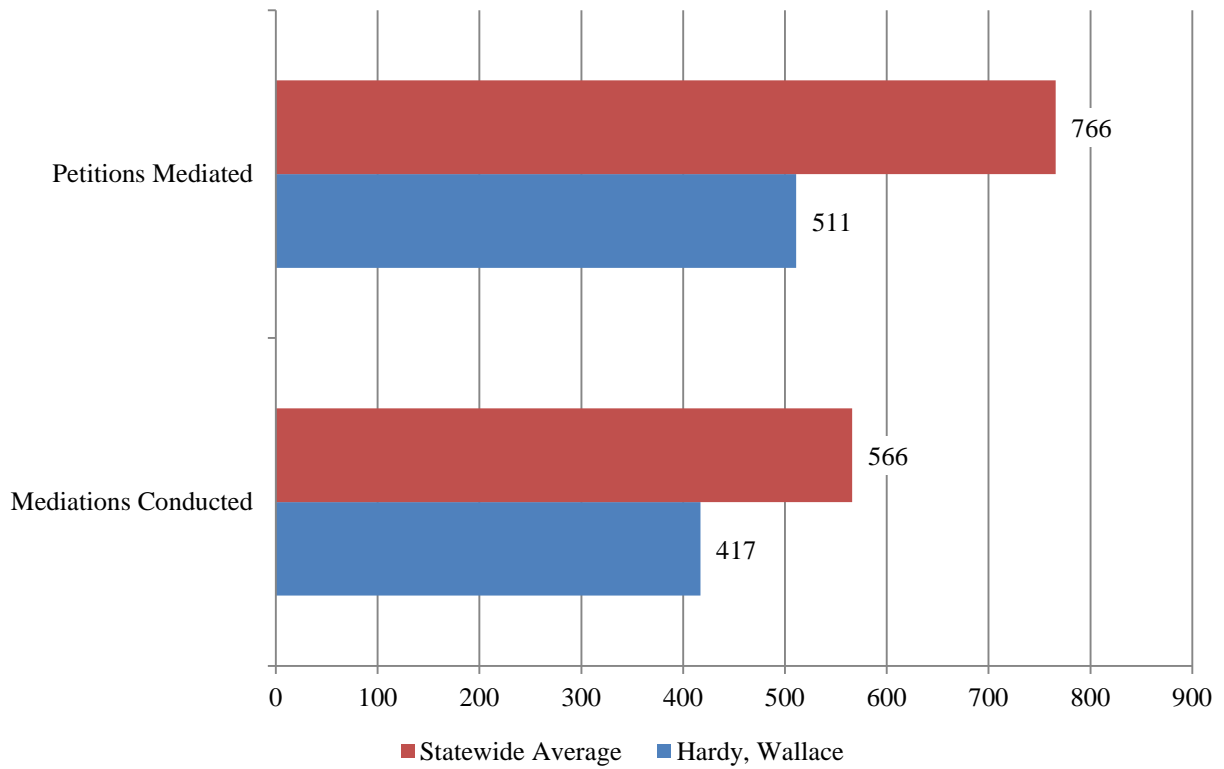
(These are an aggregation of both mediator's efforts, see endnote 1)



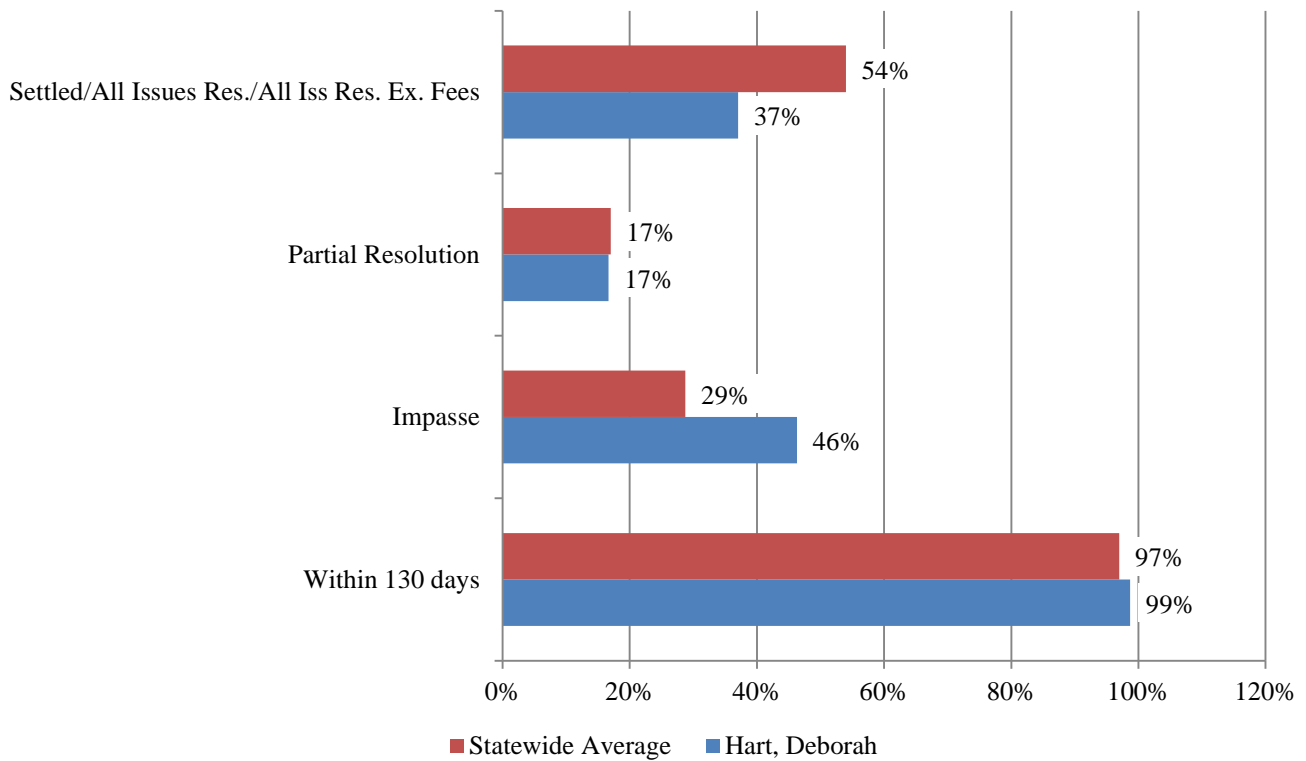
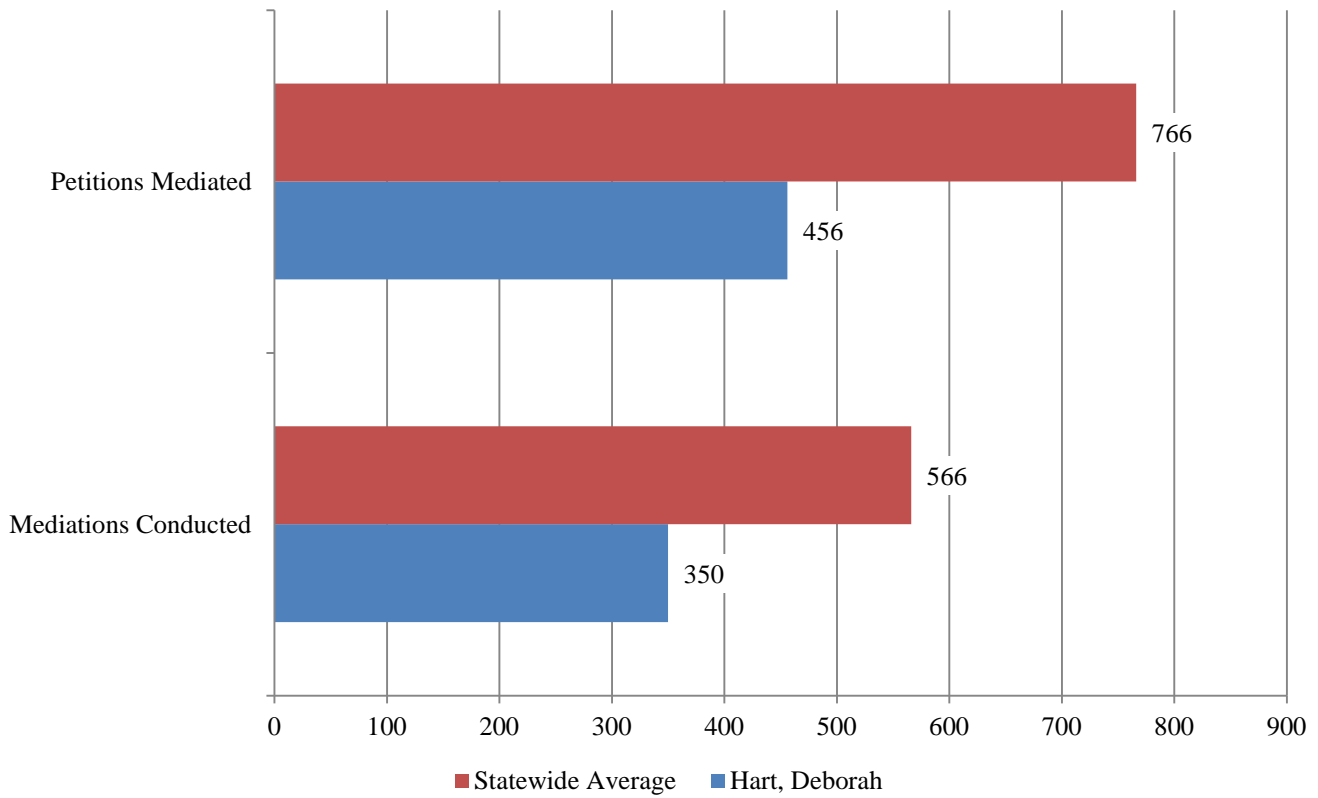
Gordon, Alan (JAX) ⁹



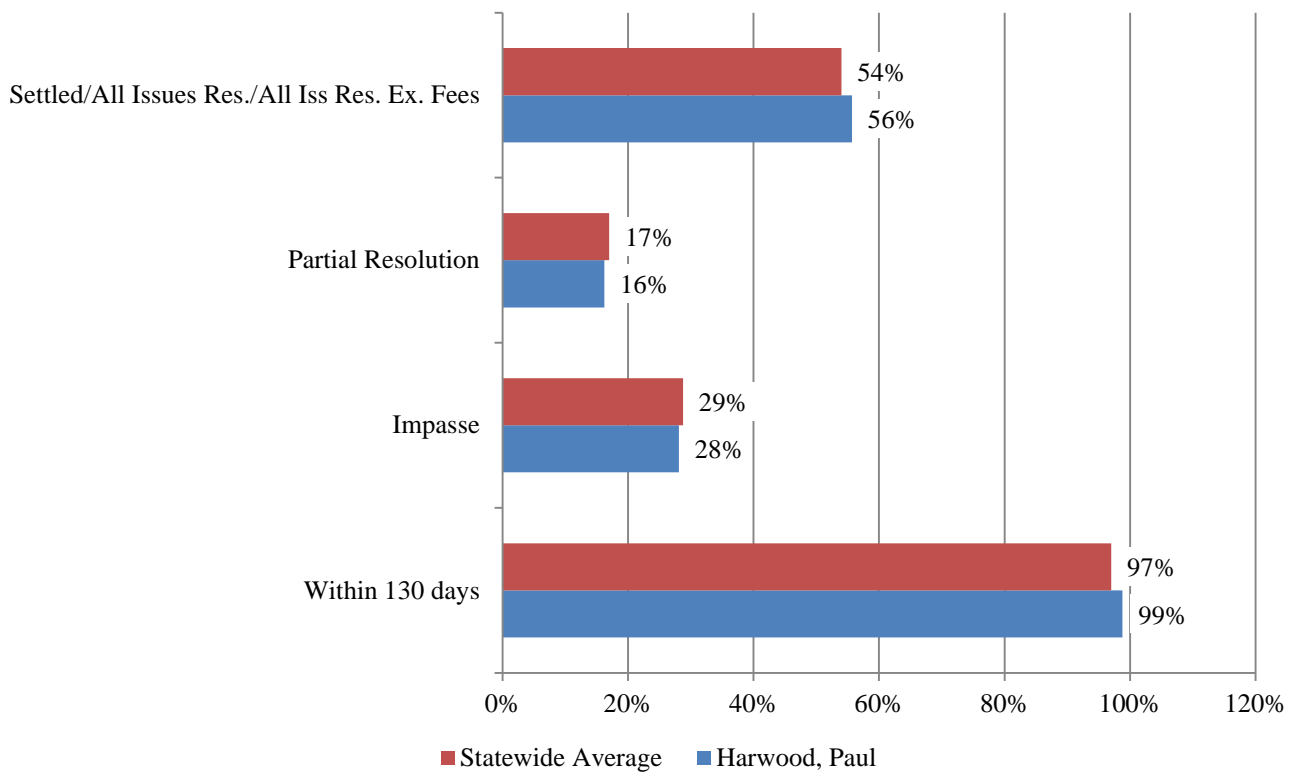
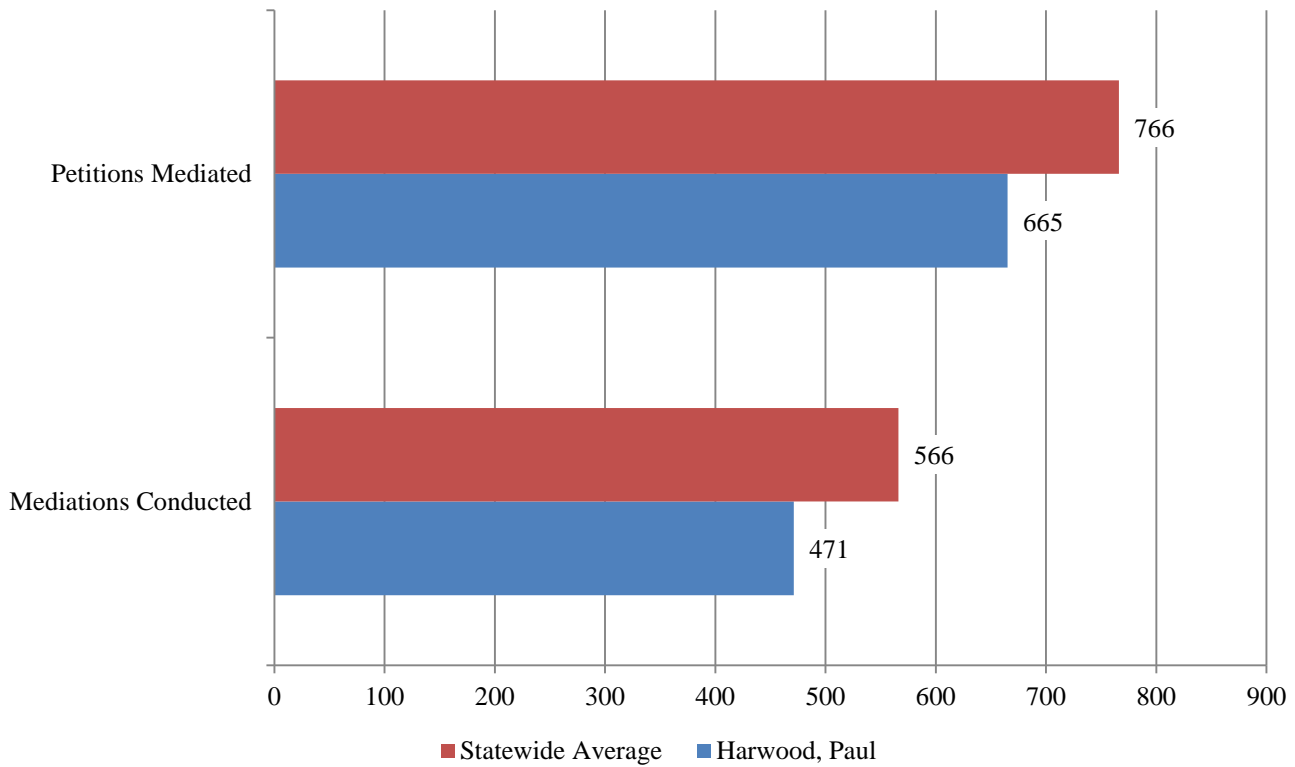
Hardy, Wallace (PNS)¹⁰



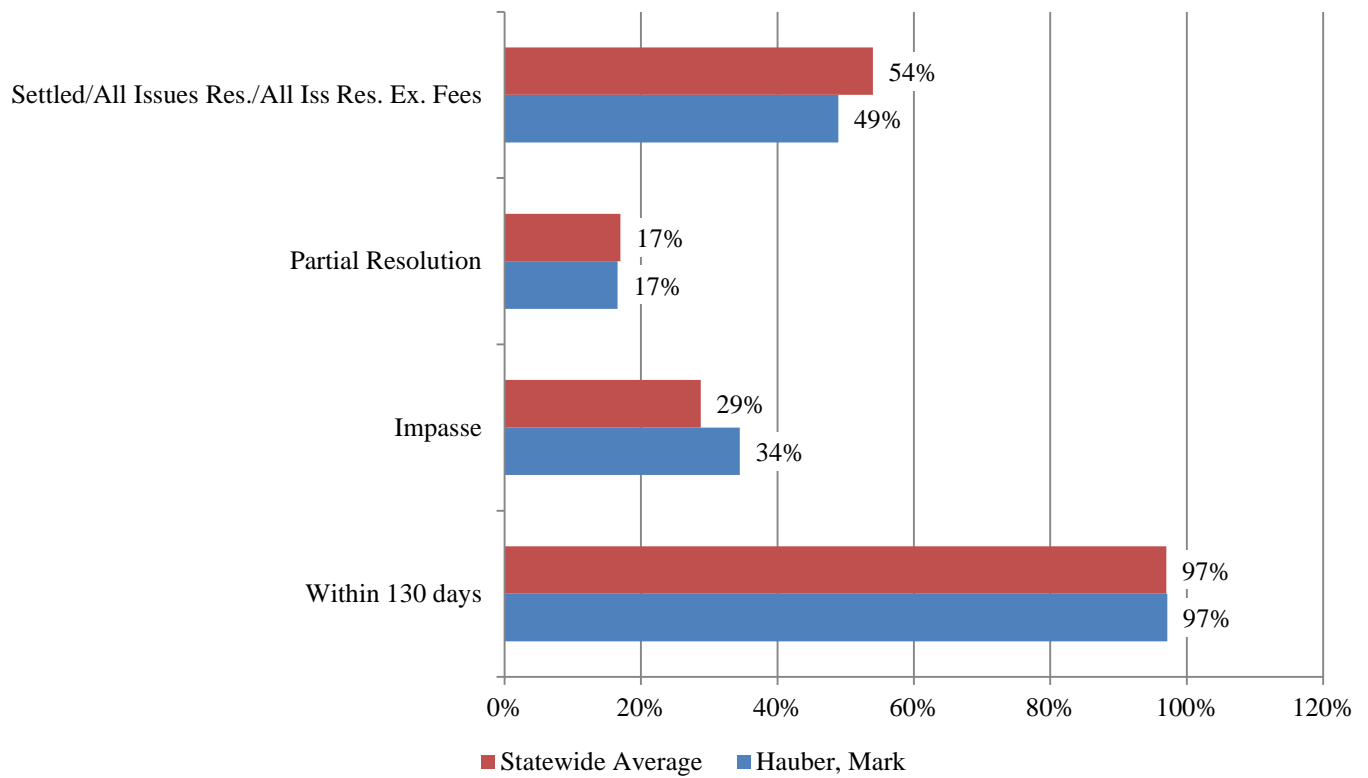
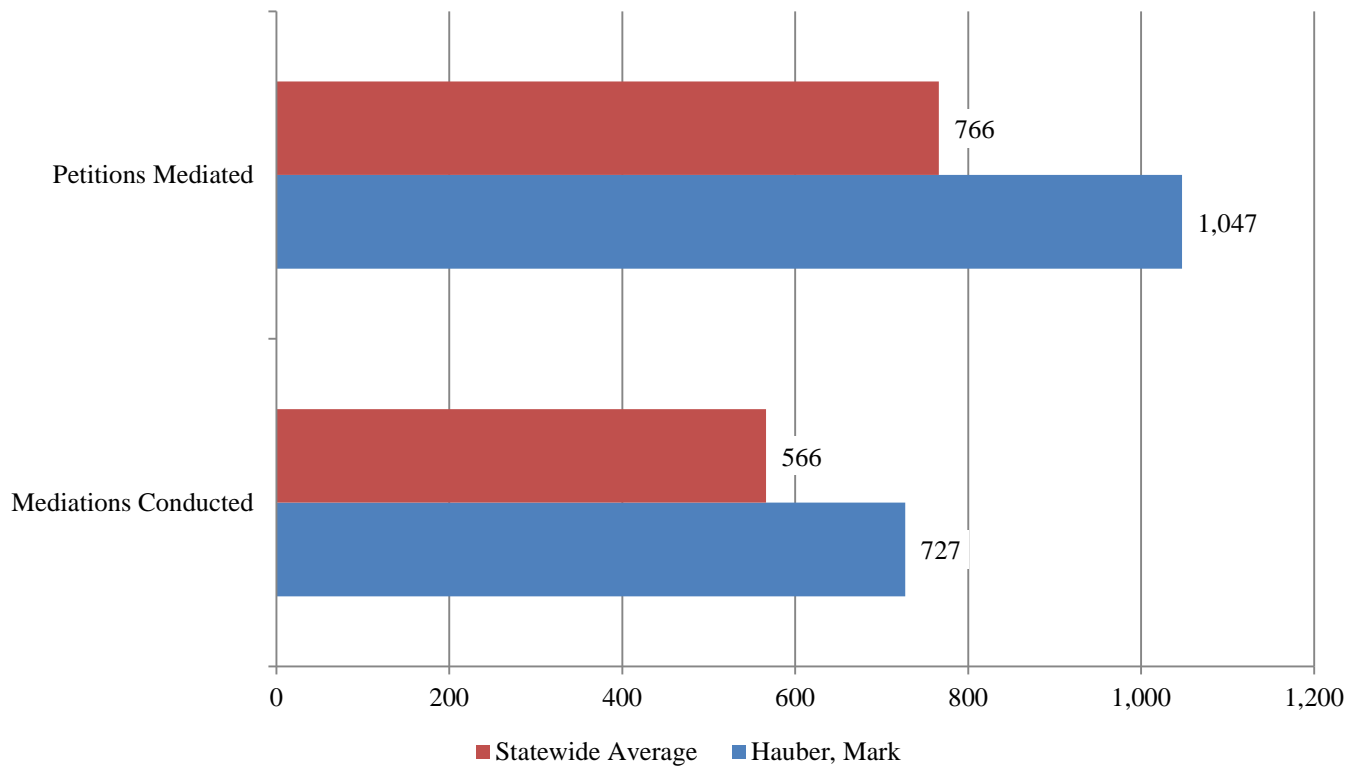
Hart, Deborah (FTM)

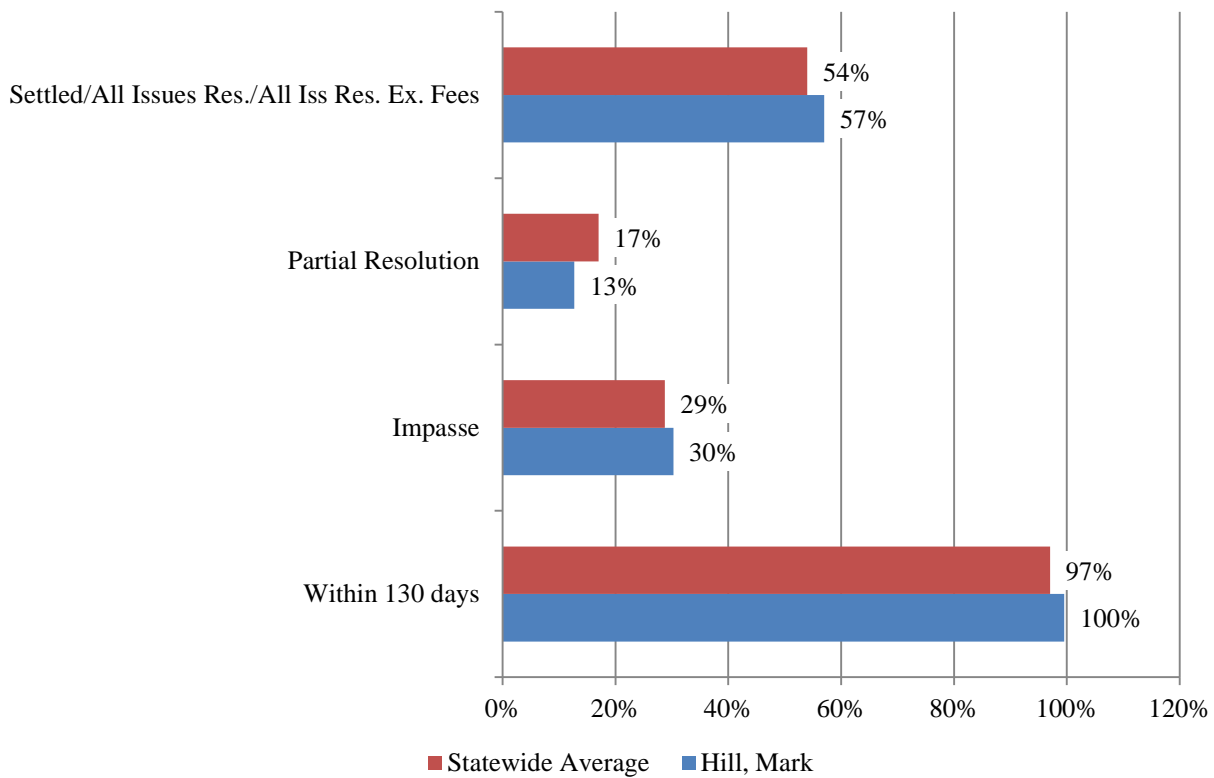
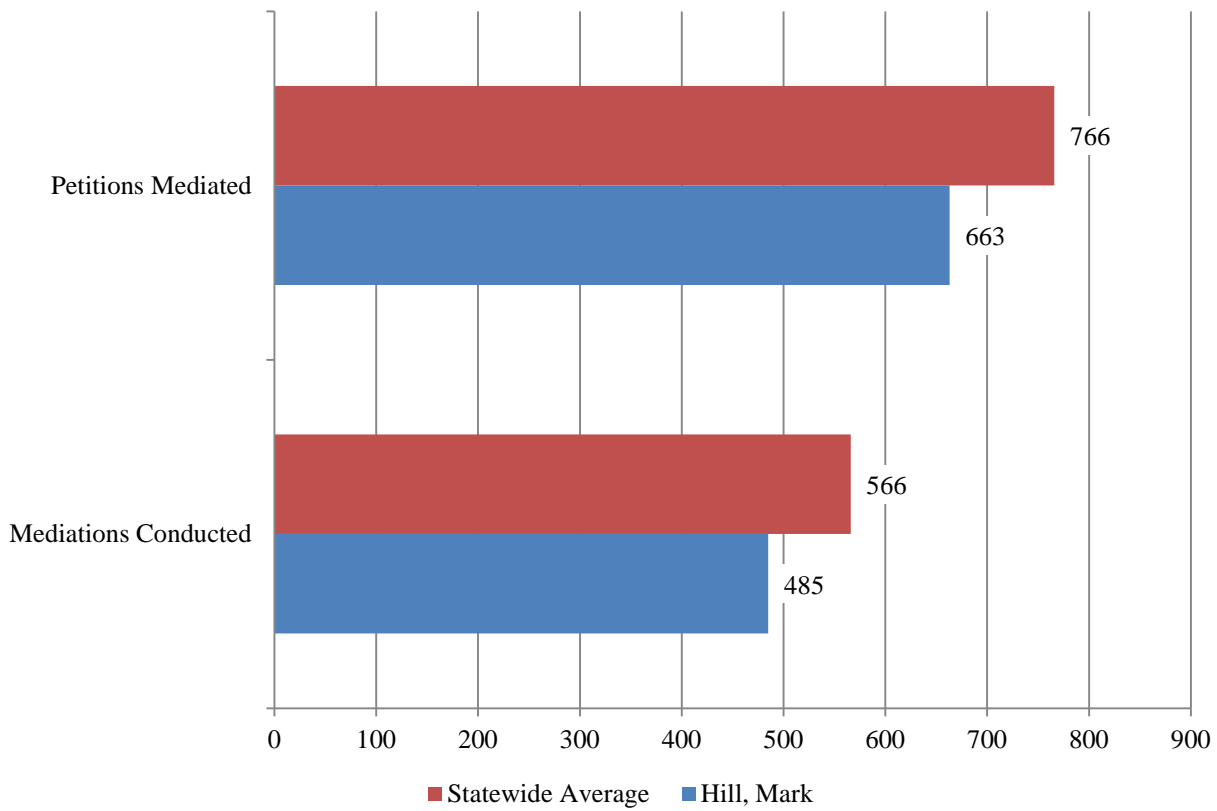


Harwood, Paul (PSL)

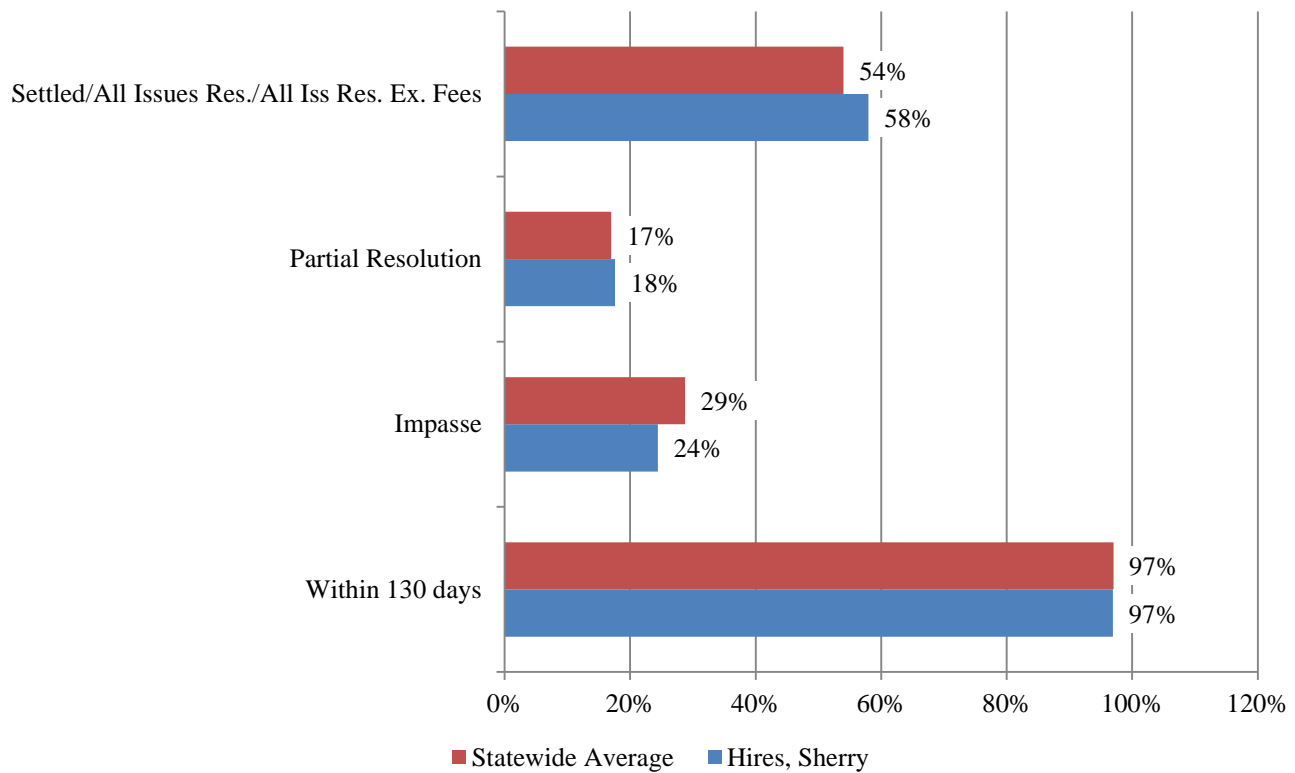
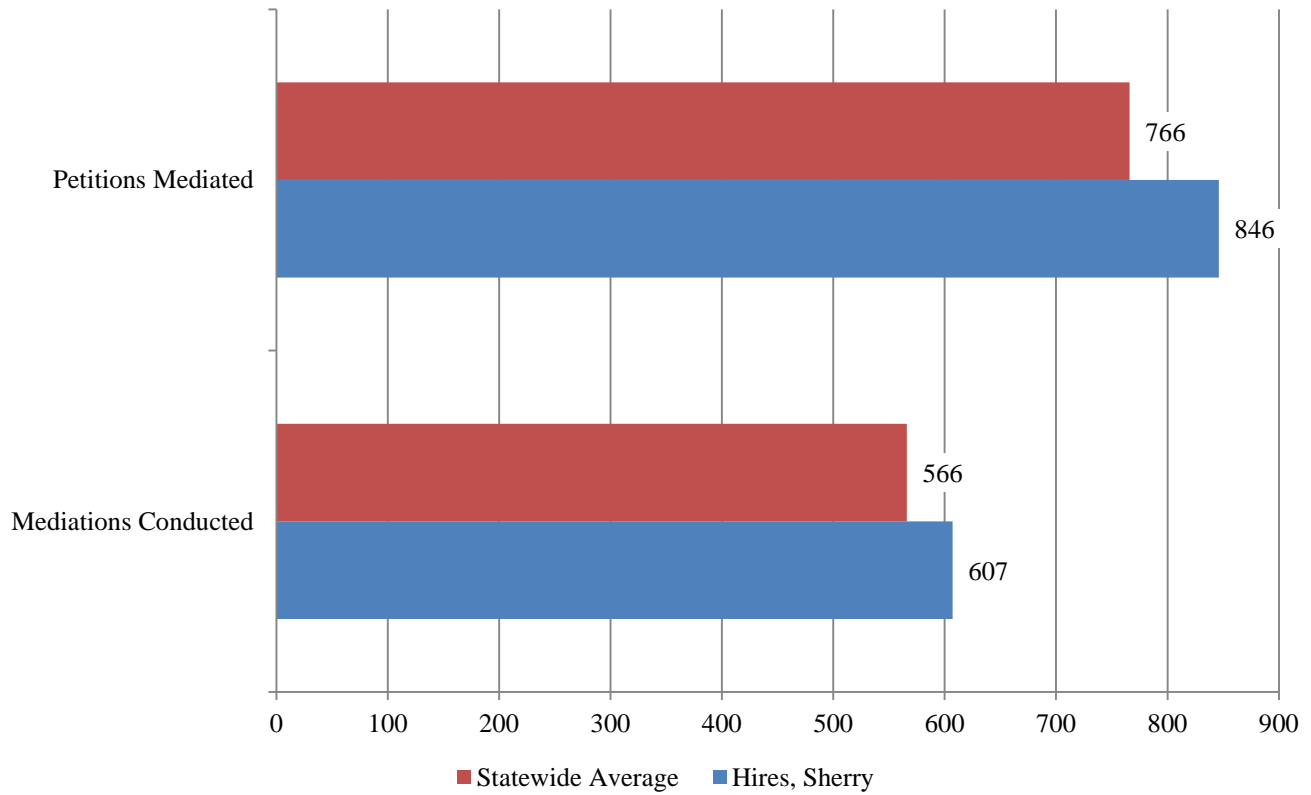


Hauber, Mark (FTL)

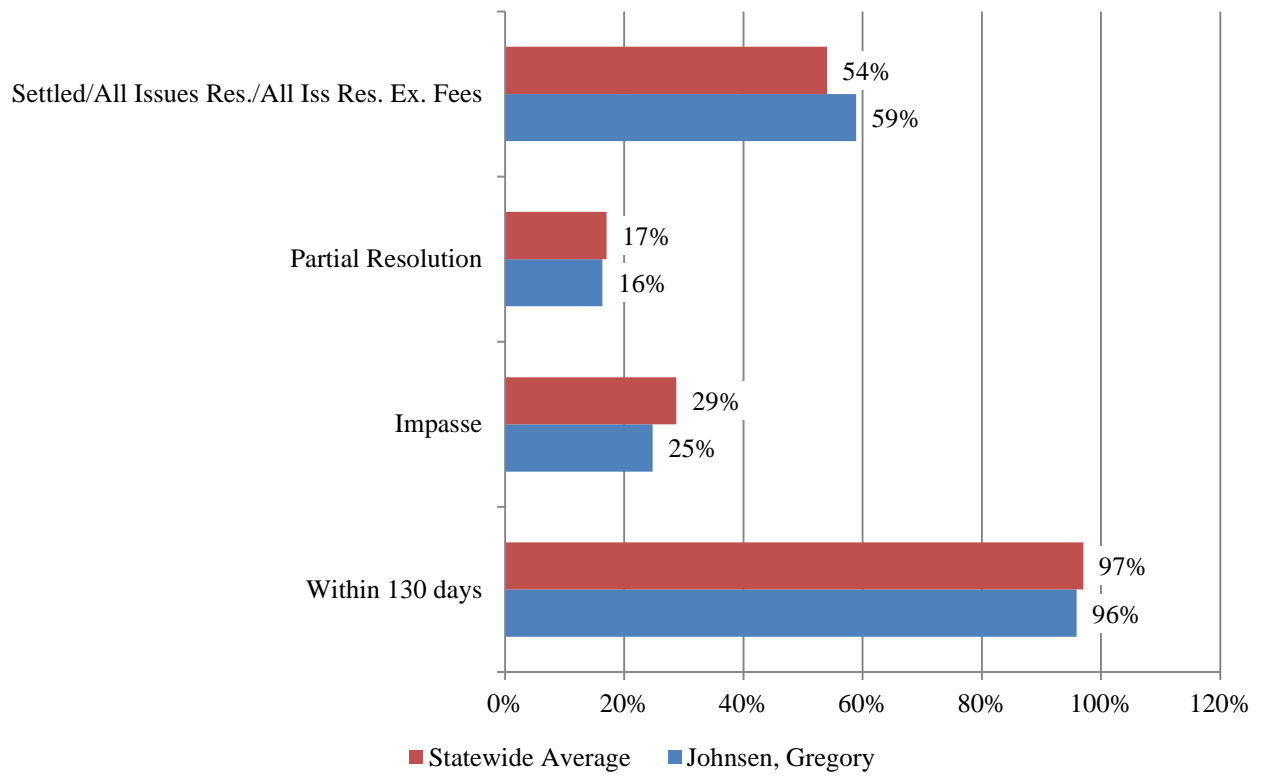
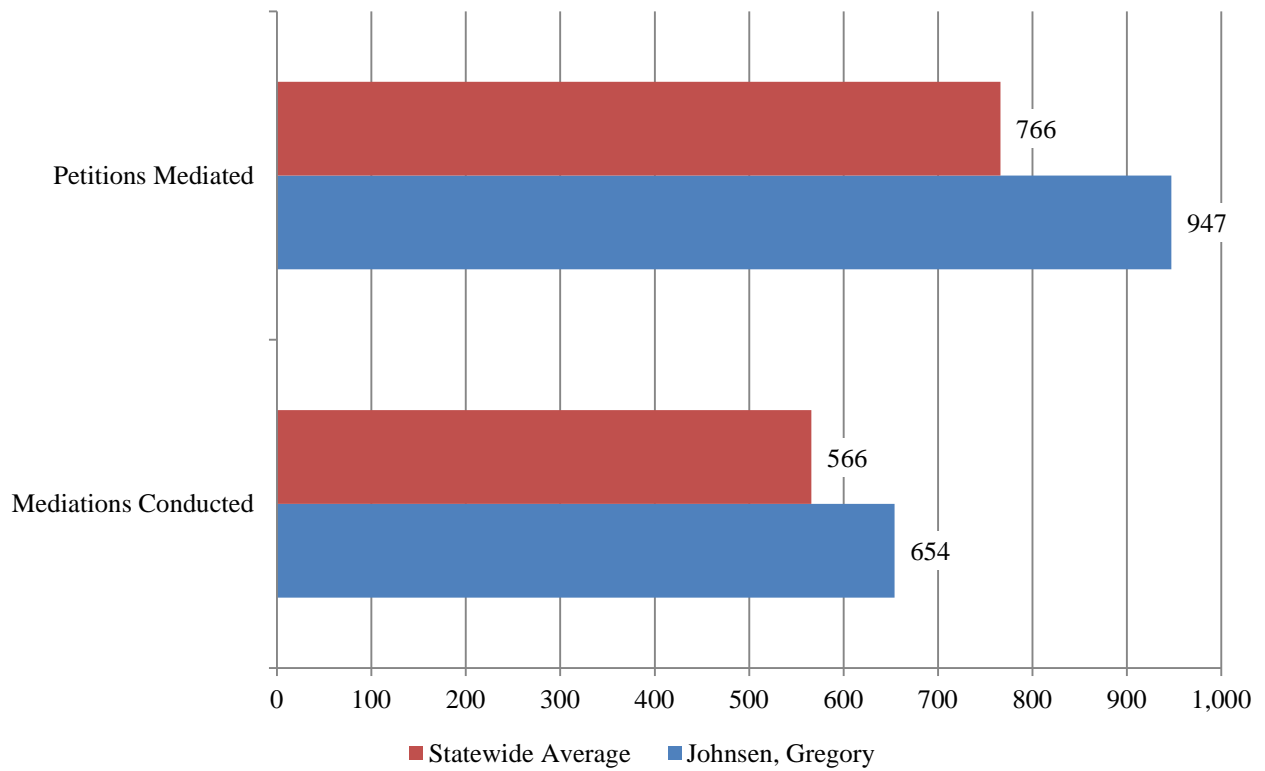




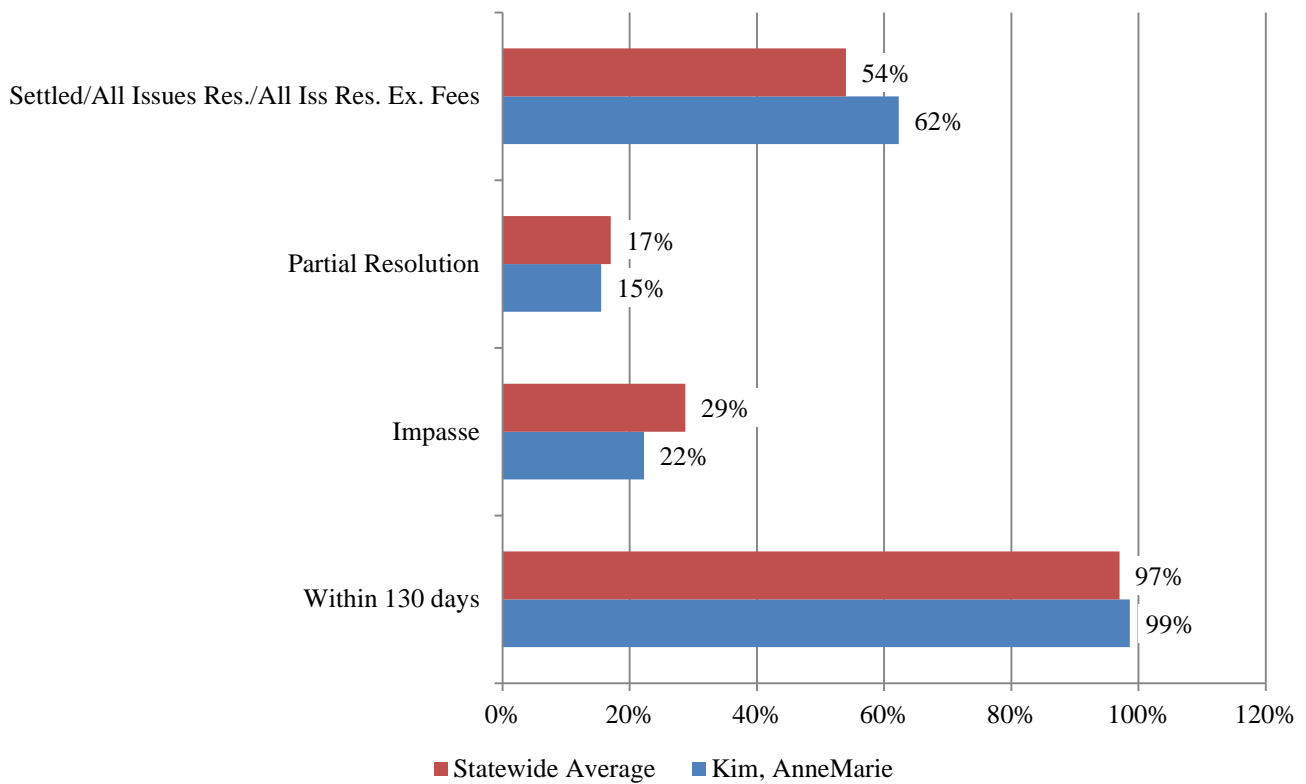
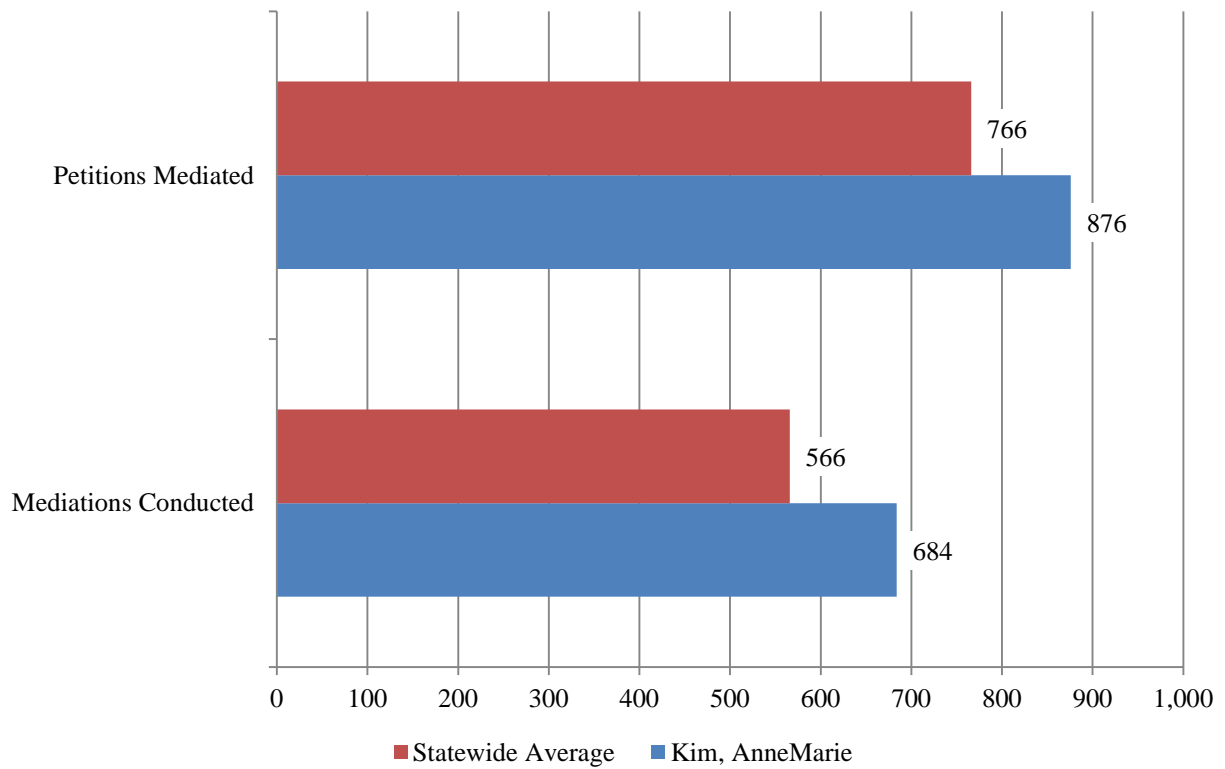
Hires, Sherry (ORL)



Johnsen, Gregory (MIA)

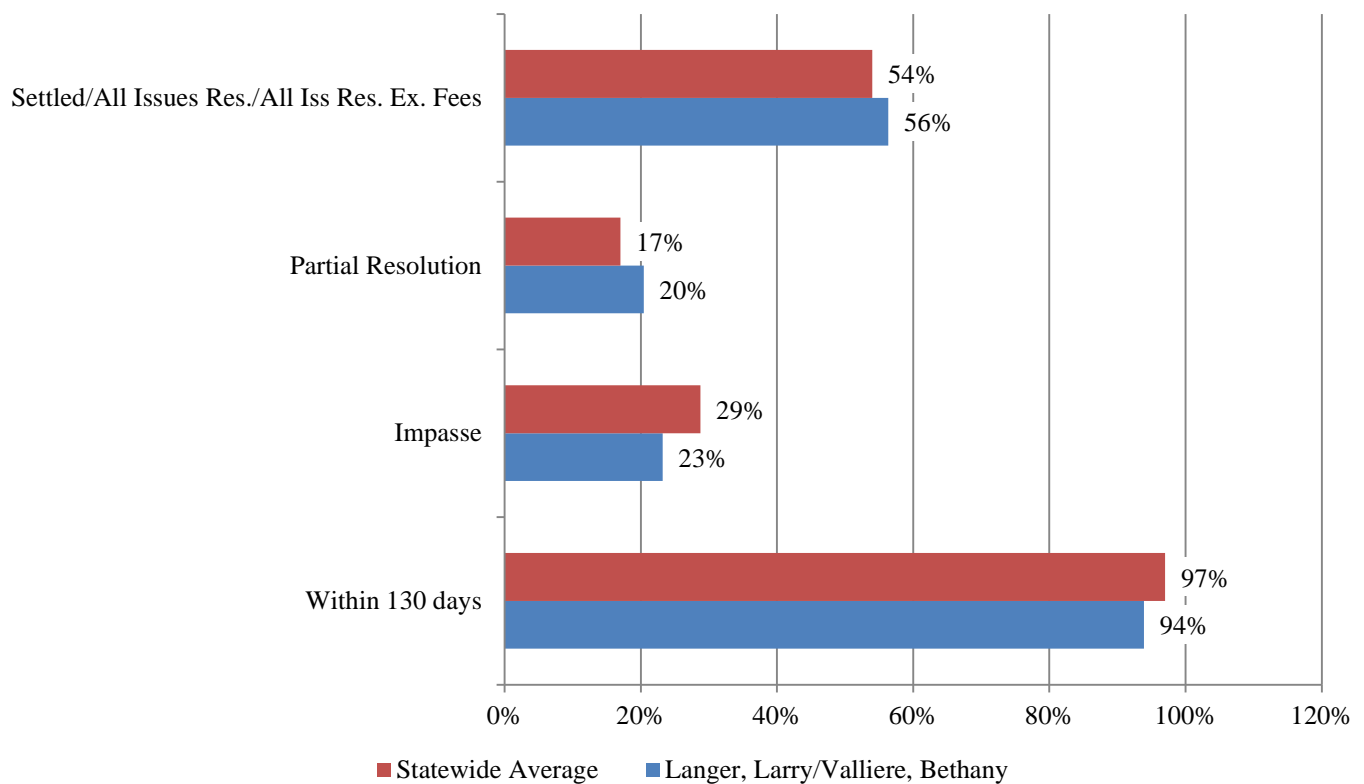
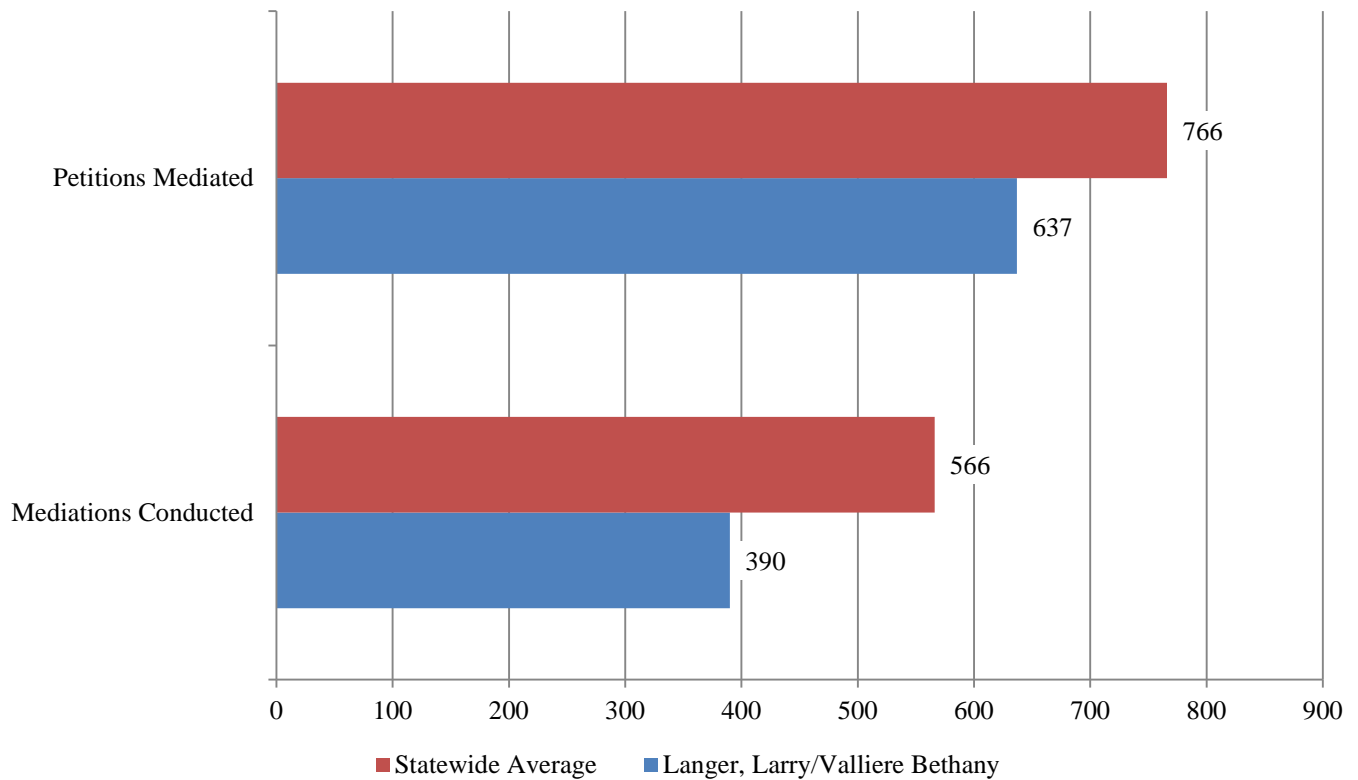


Kim, Anna (ORL)

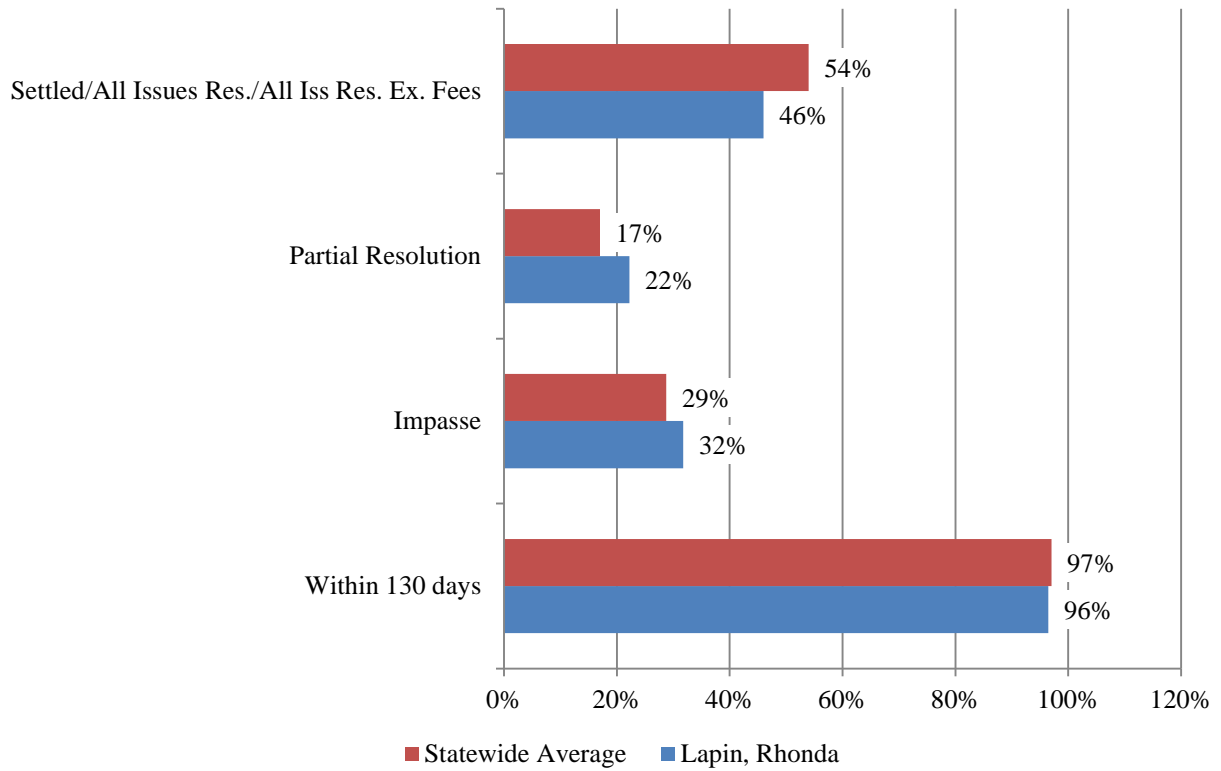
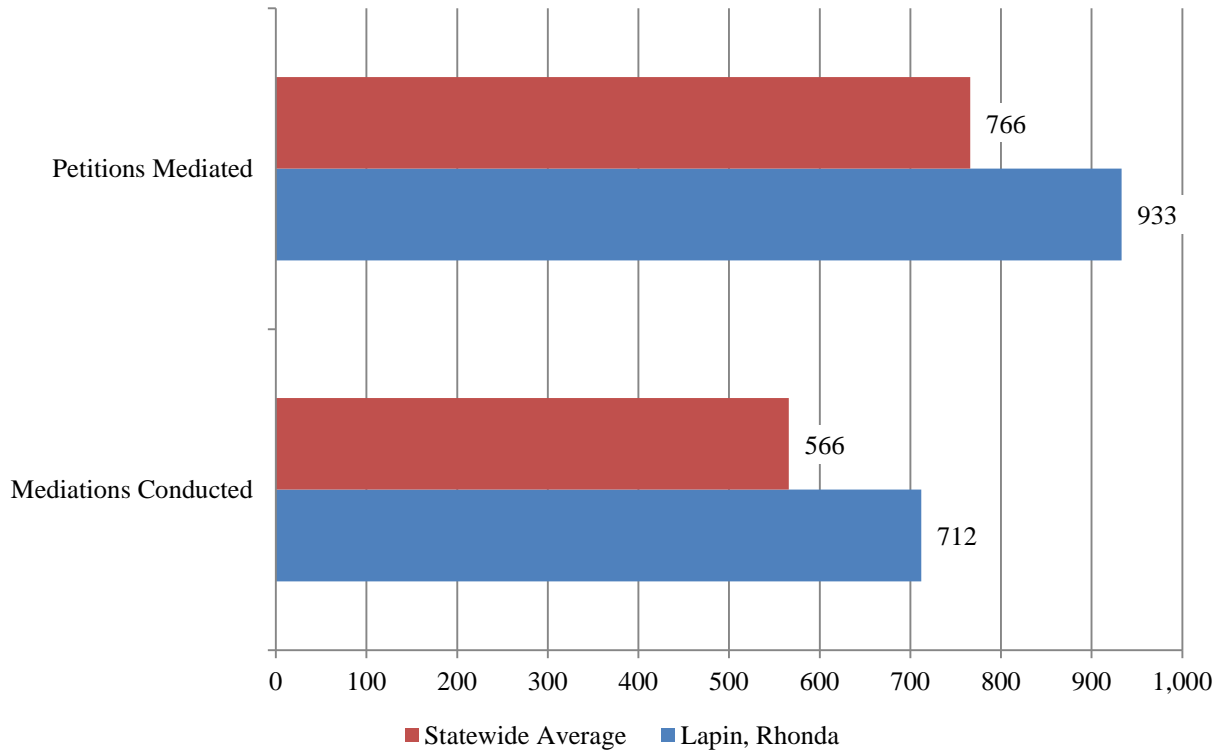


Langer, Lawrence/Valliere, Bethany (WPB)

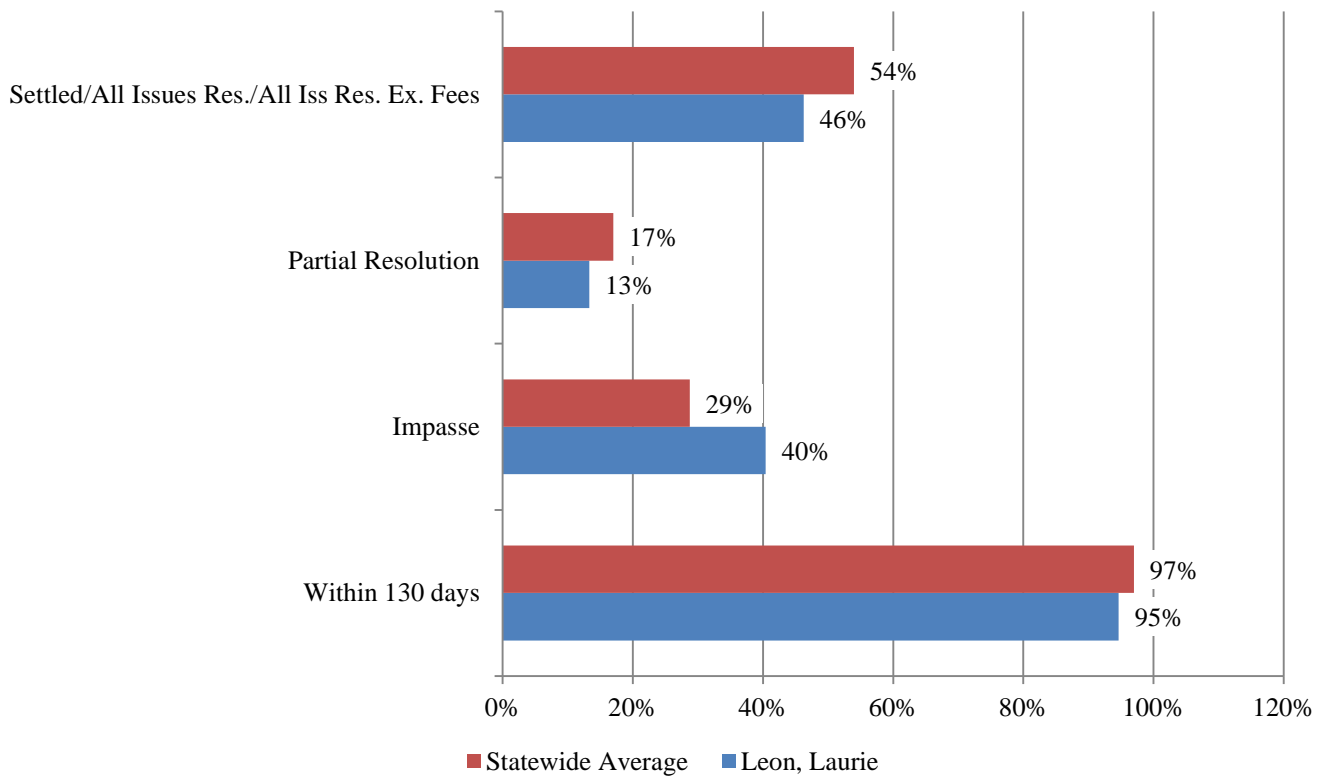
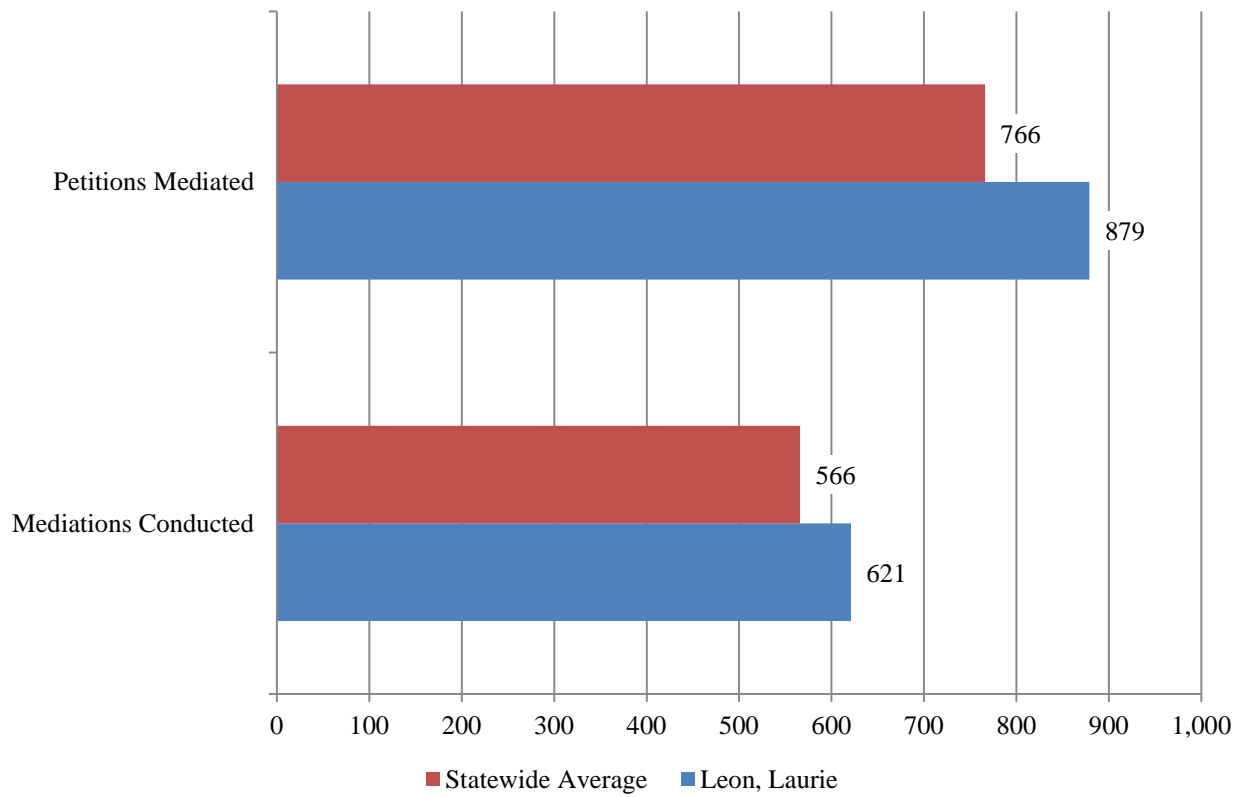
(These are an aggregation of both mediator's efforts, see endnote 2)



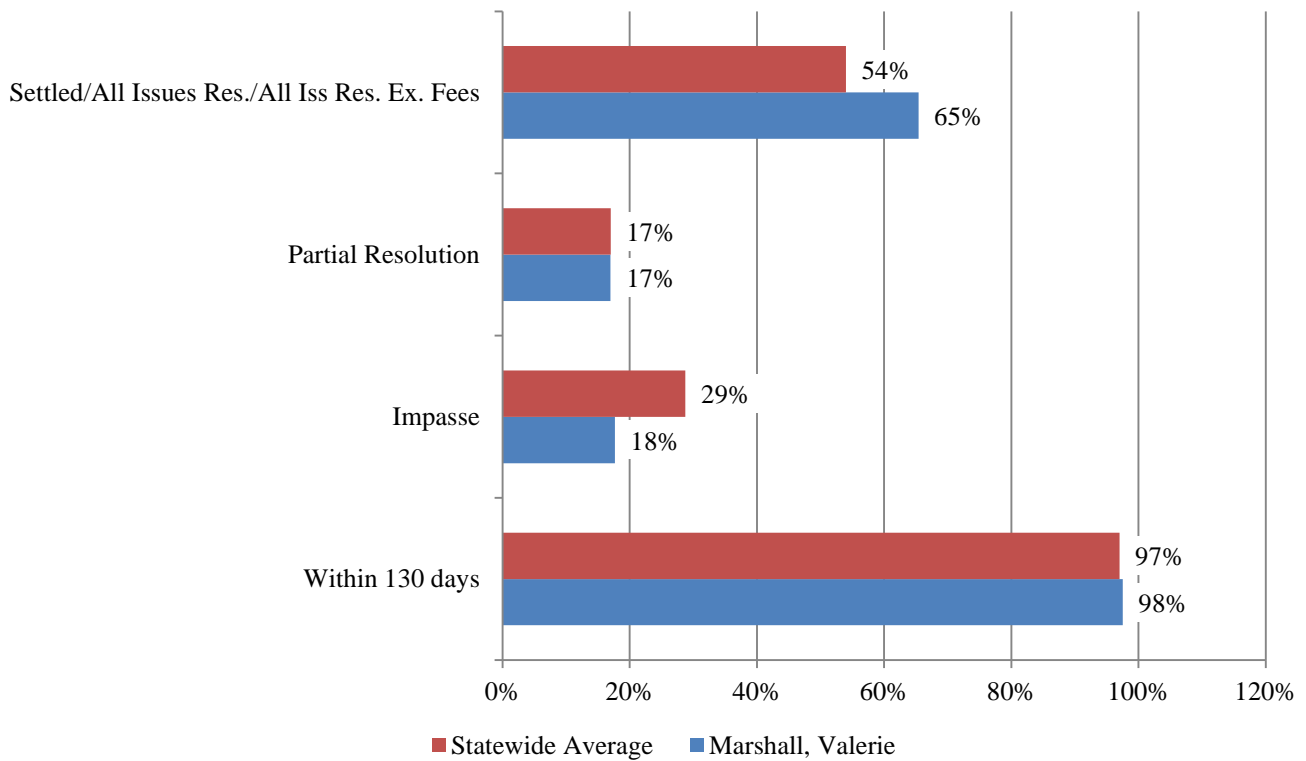
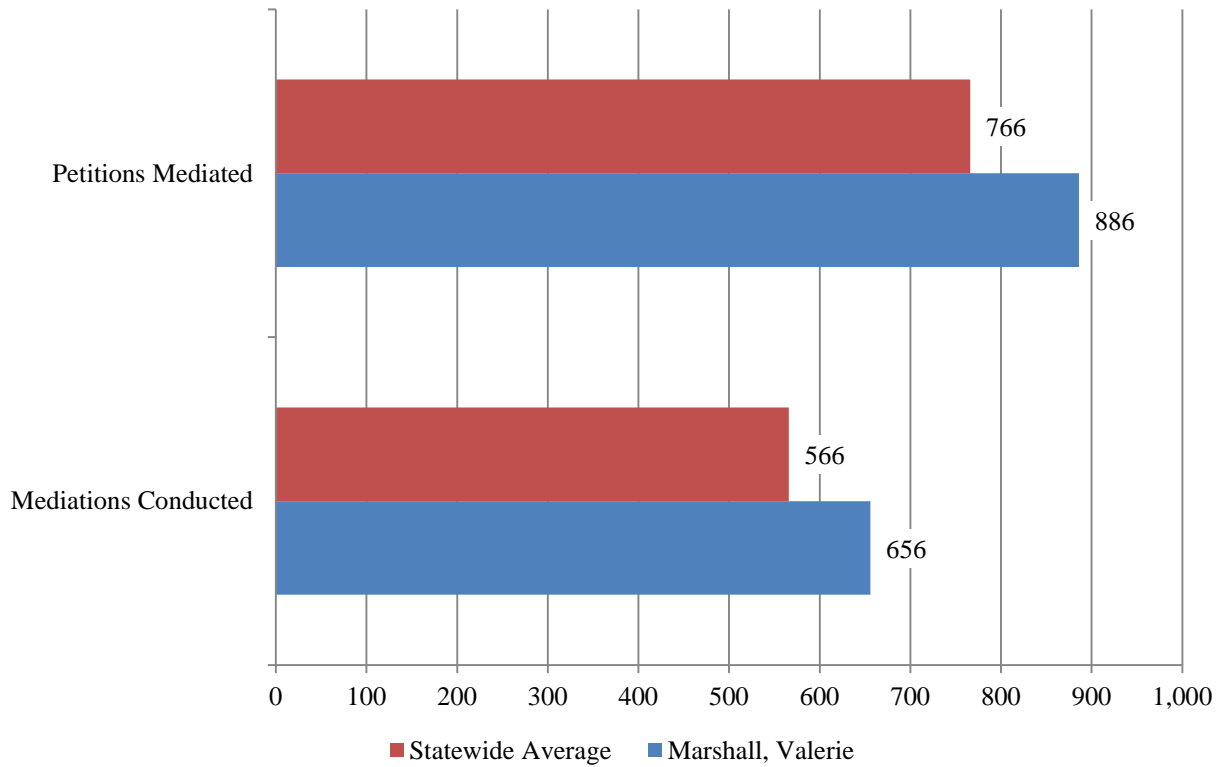
Lapin, Rhonda (MIA)



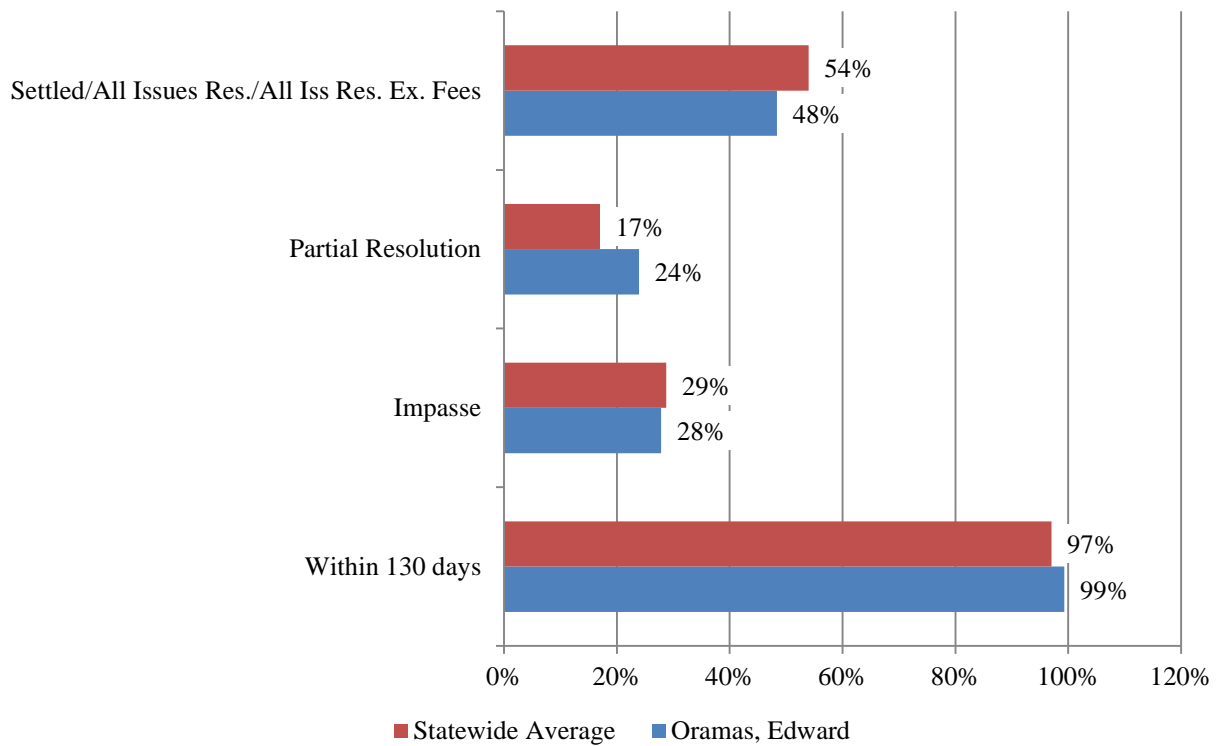
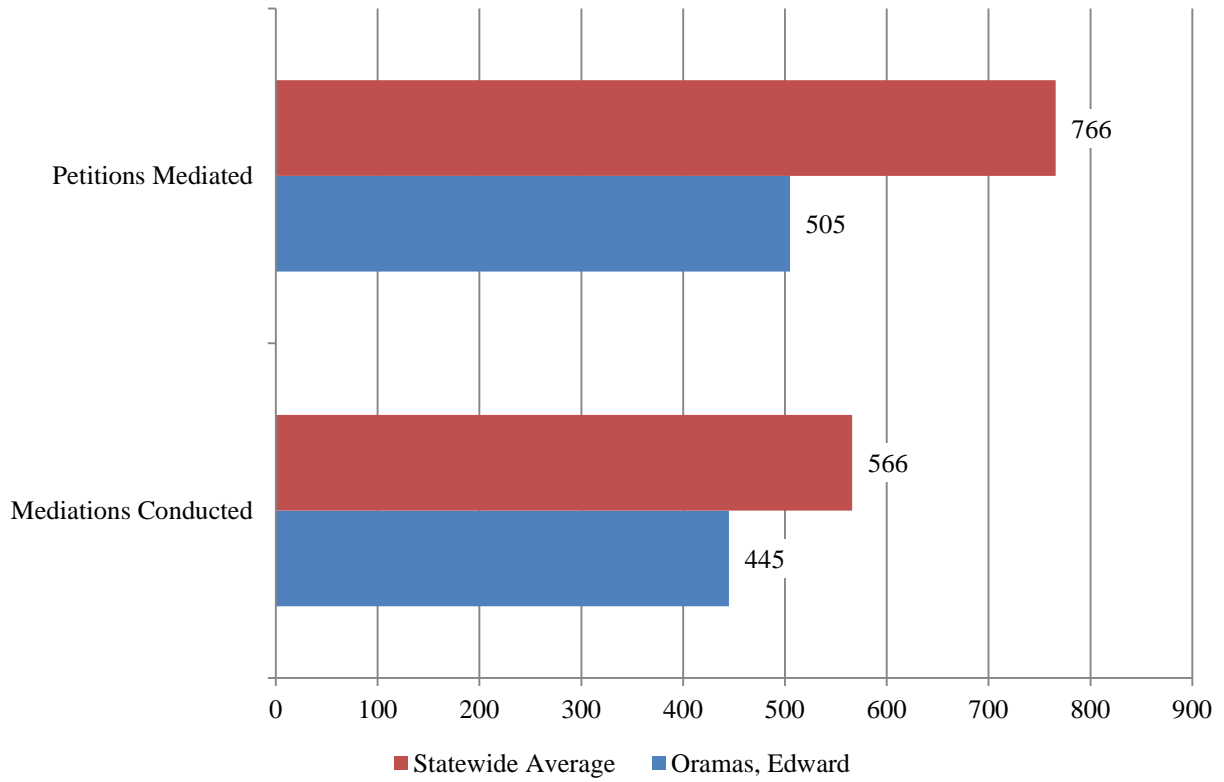
Leon, Laurie (TPA)

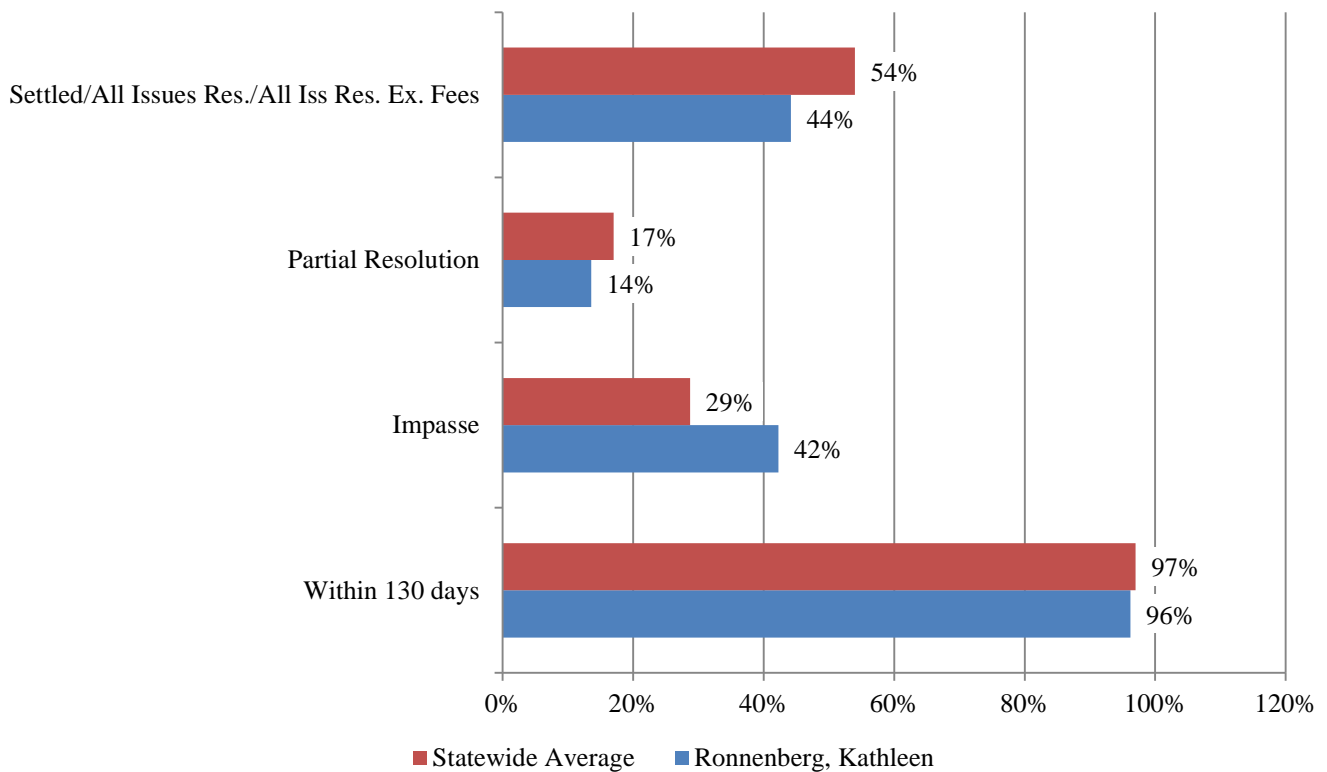
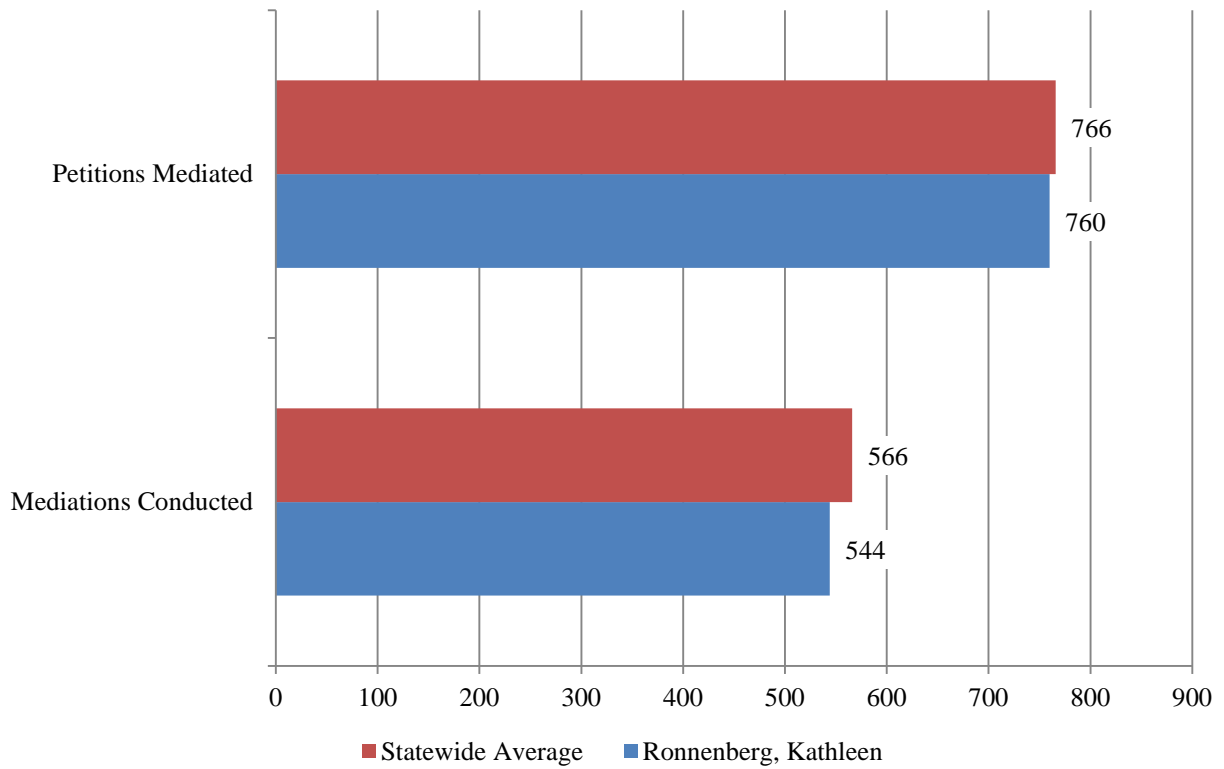


Marshall, Valerie (ORL)

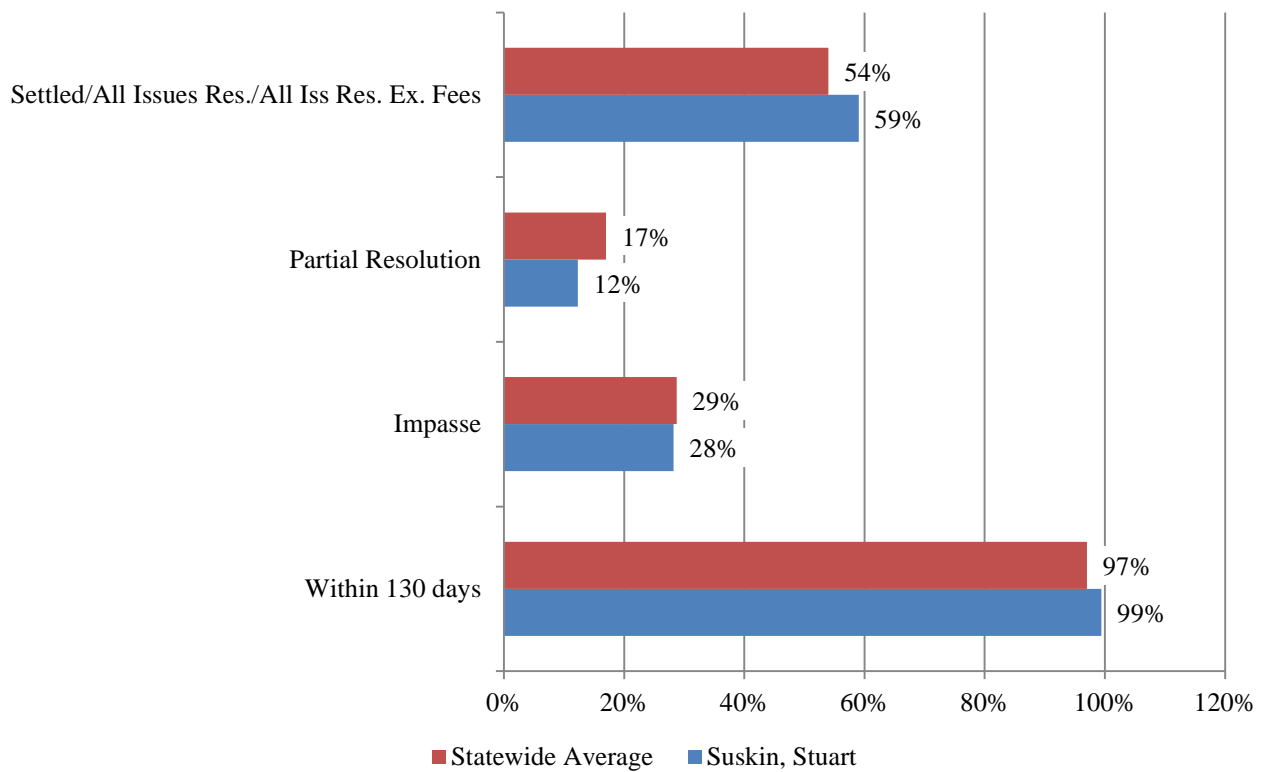
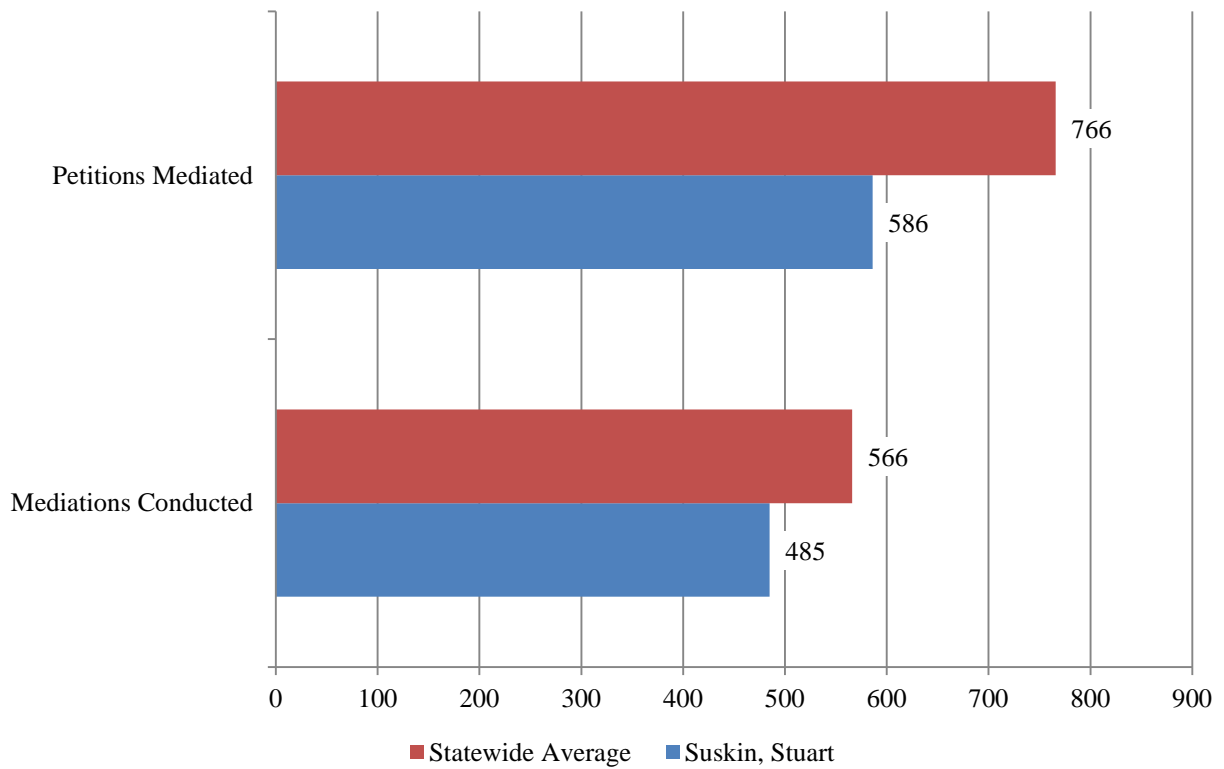


Oramas, Edward (PMC)¹²



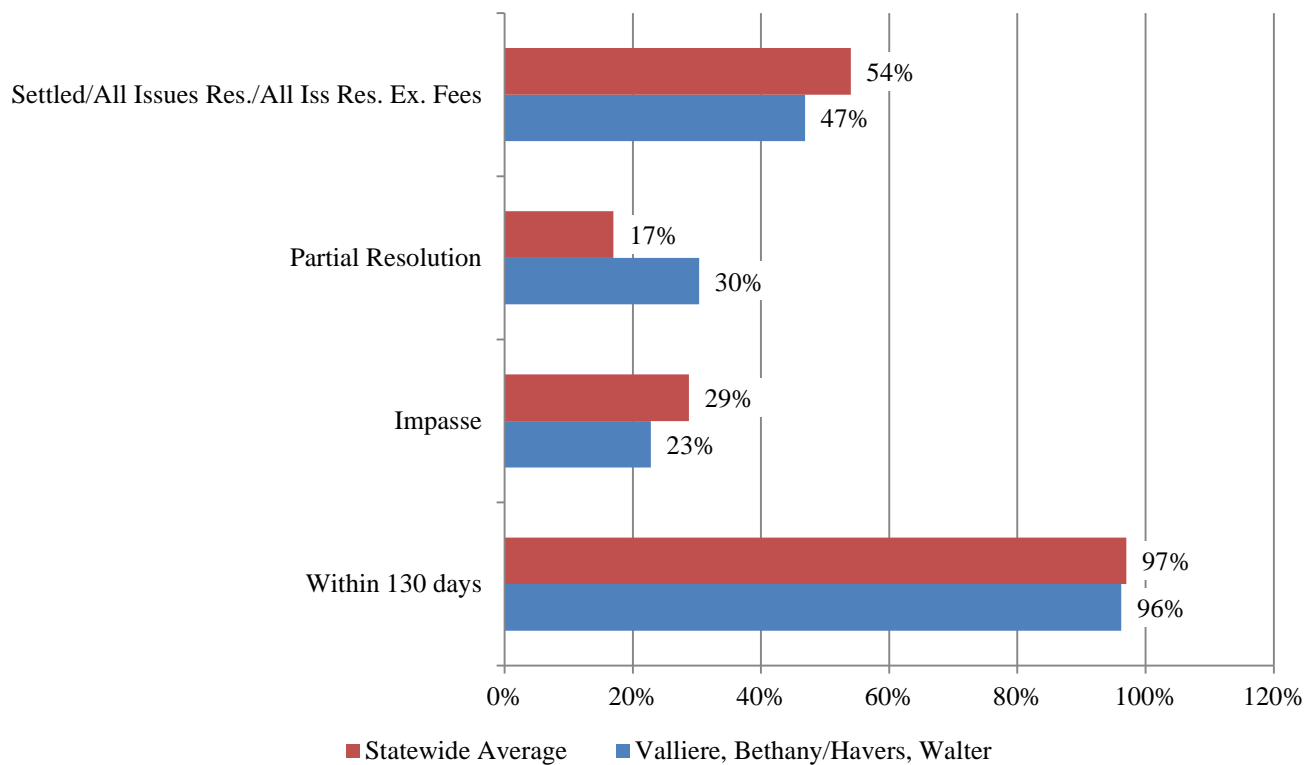
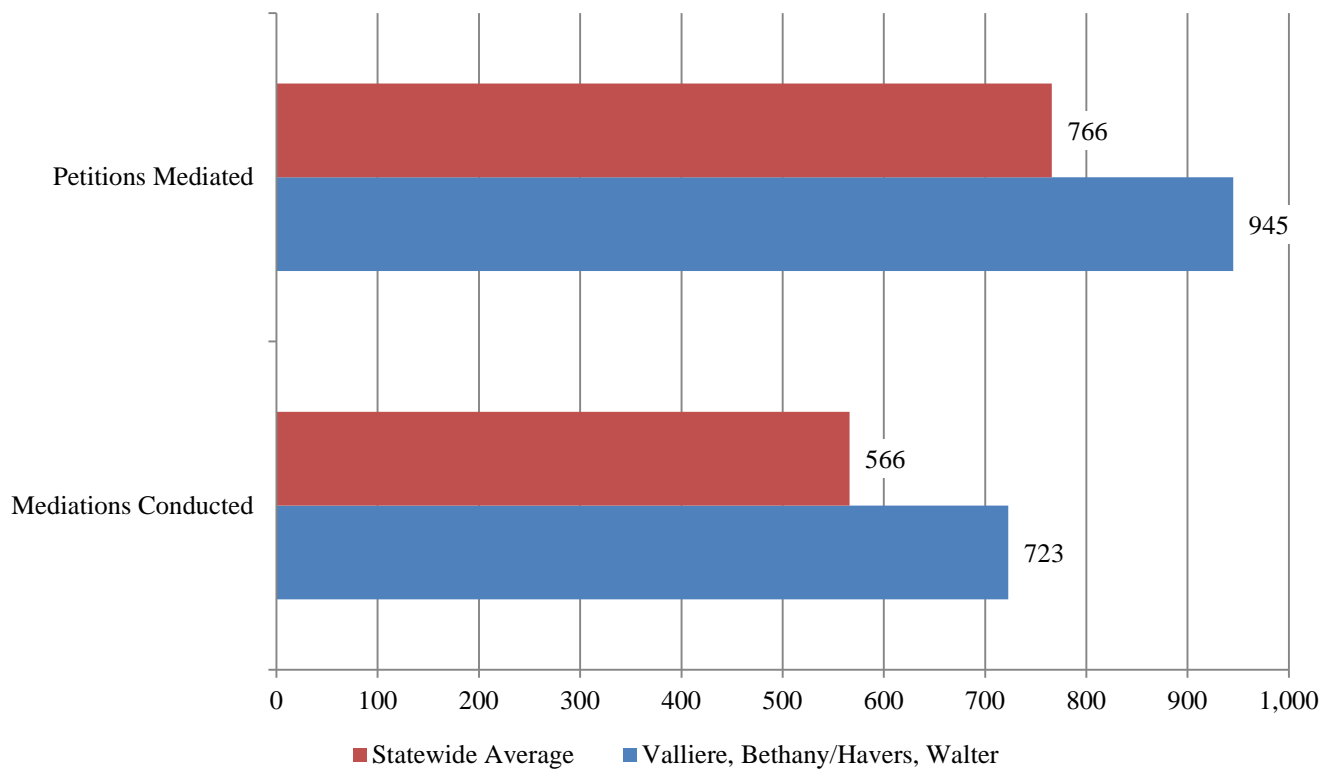


Suskin, Stuart (GNS)¹⁴

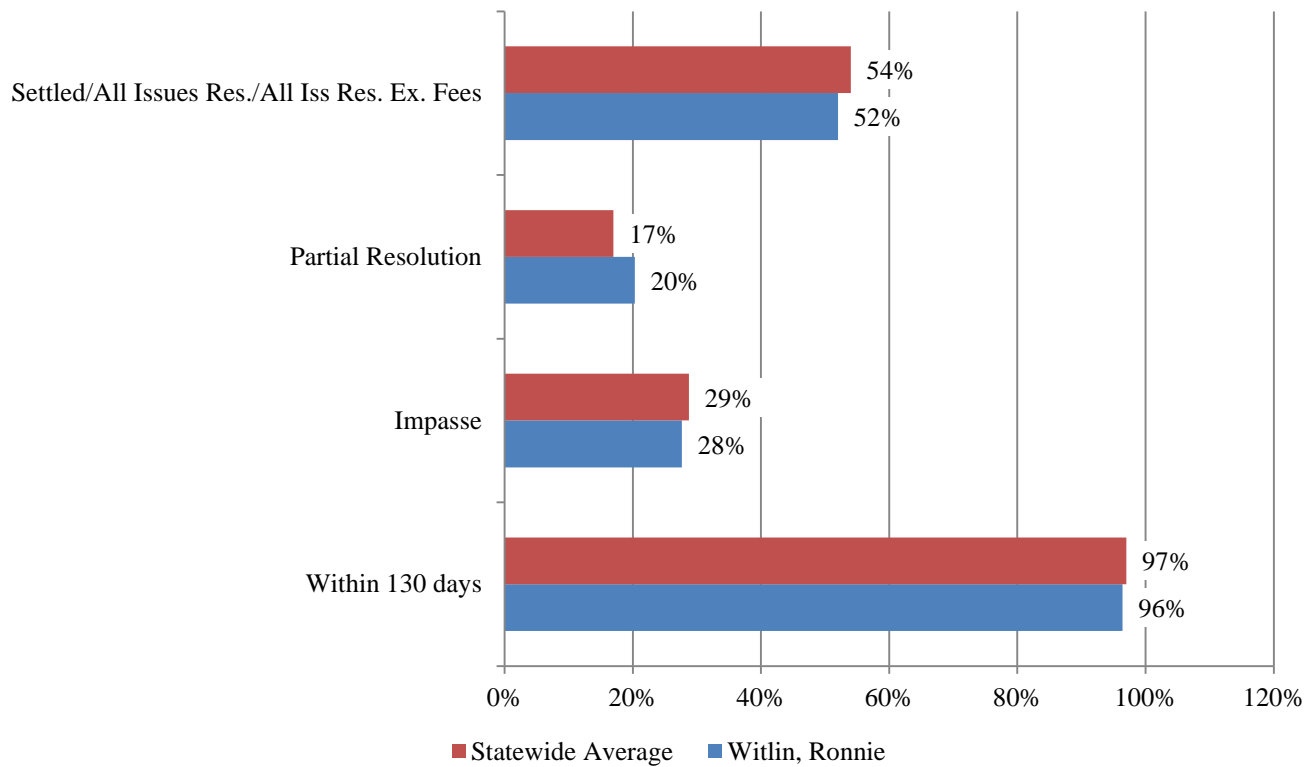
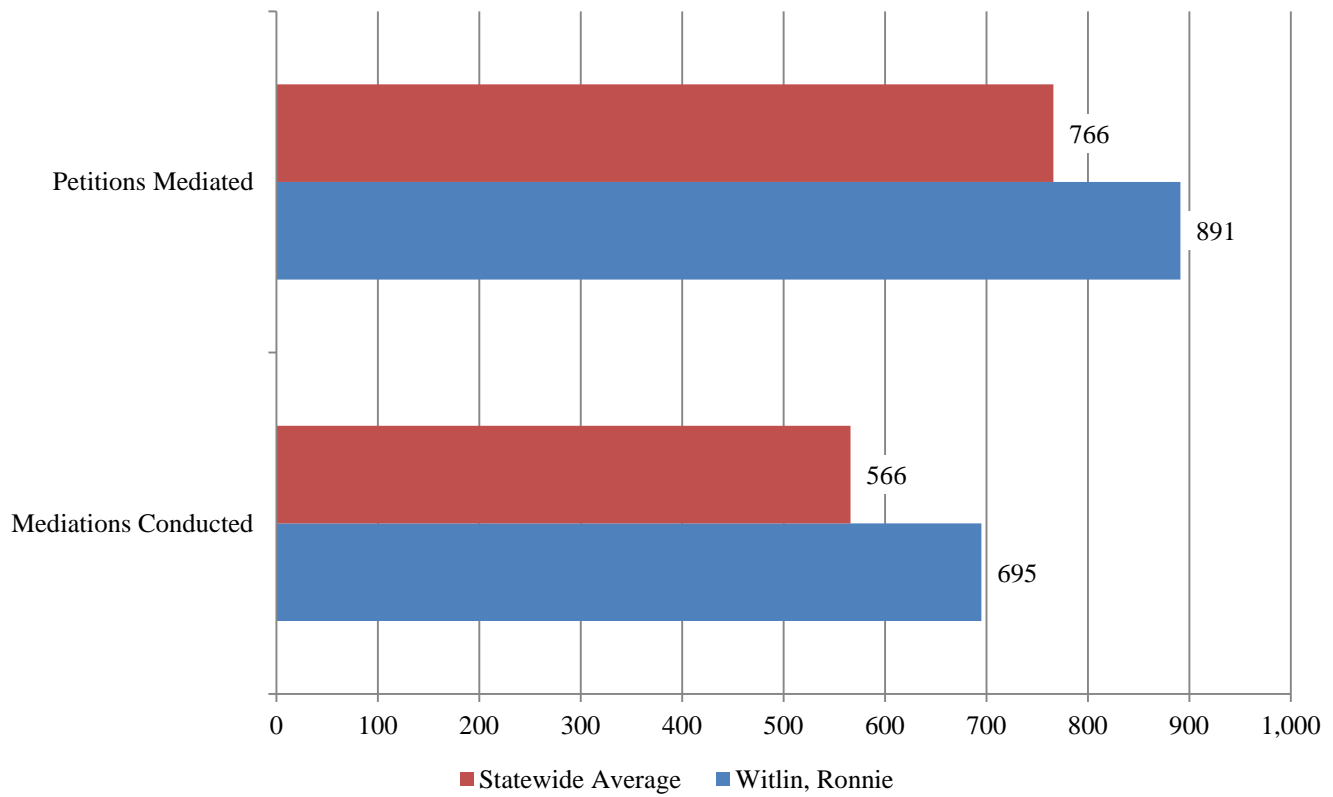


Valliere, Bethany/Havers, Walter (MIA)

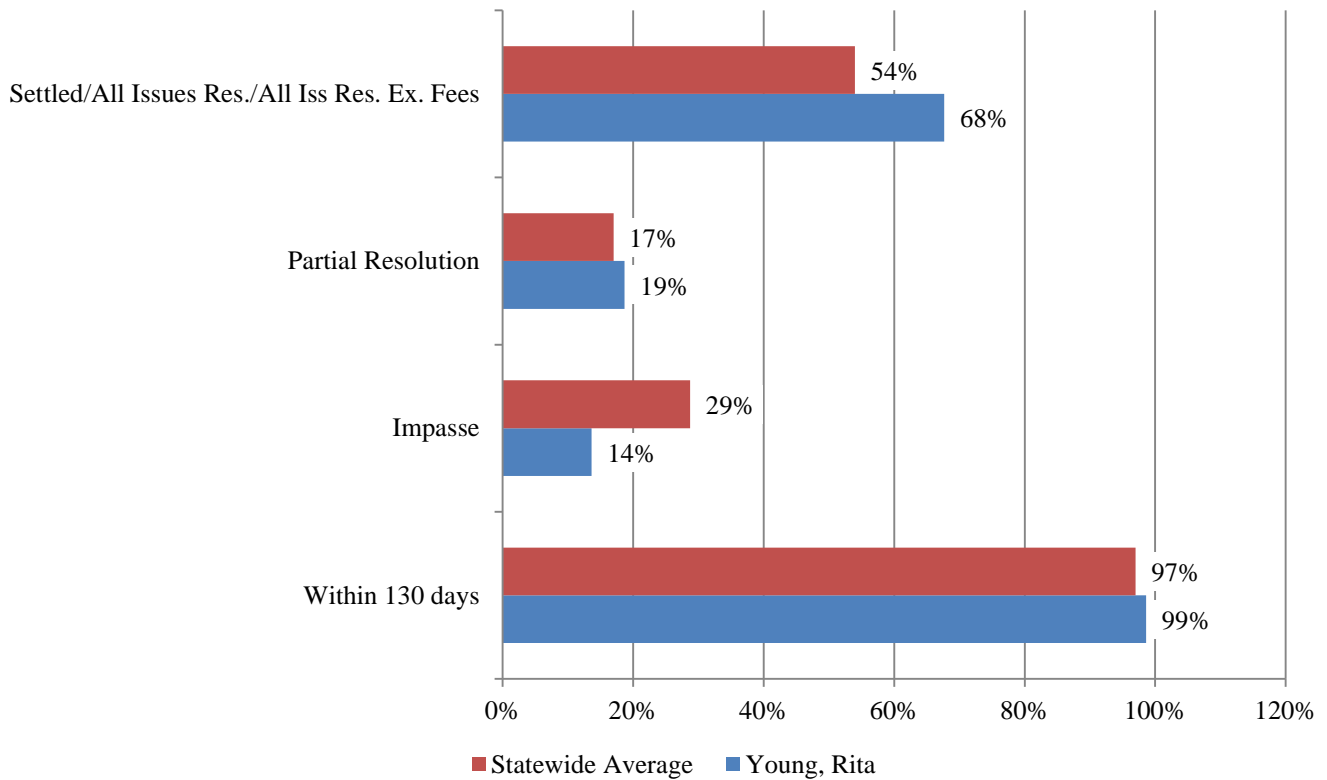
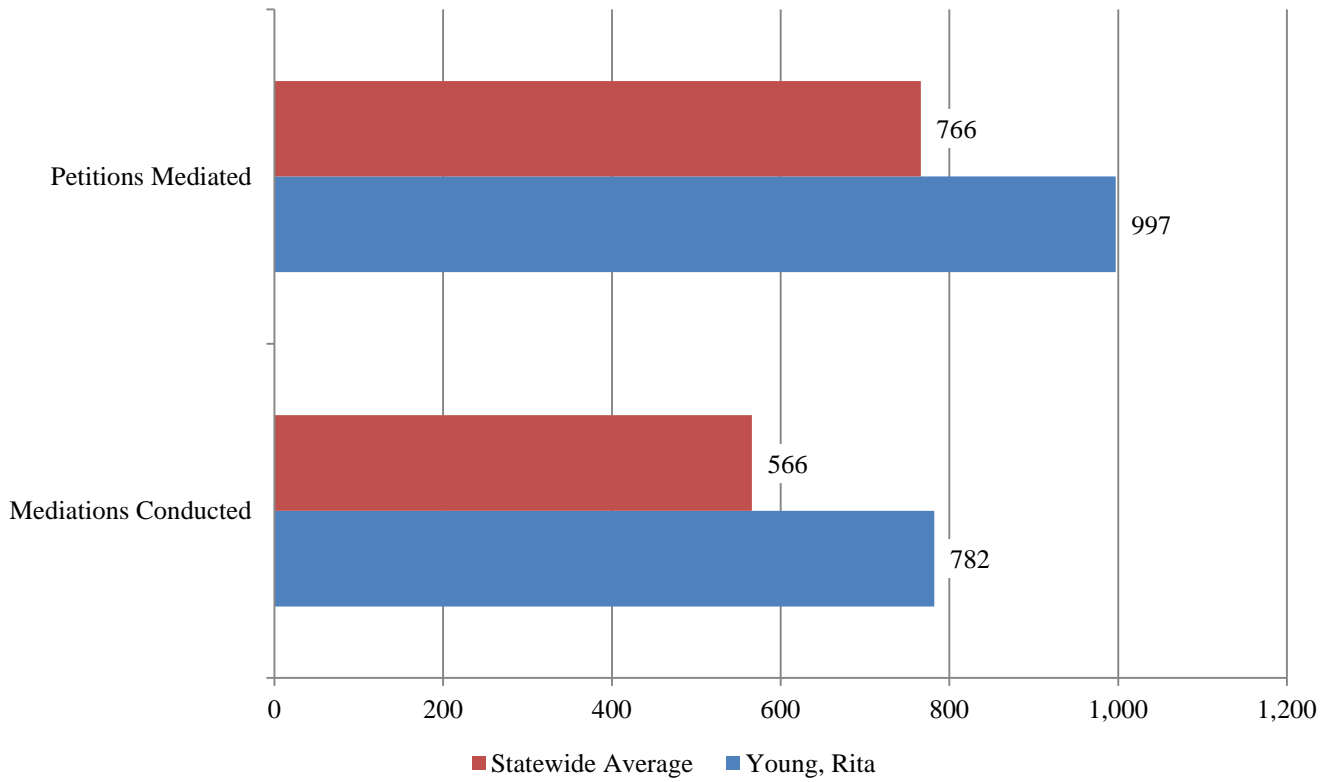
(These are an aggregation of both mediator's efforts, see endnote 3)



Witlin, Ronnie (MIA)



Young, Rita (SPT)



¹ Mediator DiGennaro was assigned to District WPB for much of fiscal 2013. Following her departure, Michael Imber was hired for that position. The figures represented for this division in WPB are an aggregation of both mediators' efforts there.

² Mediator Valliere spent most of fiscal 2013 assigned to District MIA, in Judge Charles Hill's division. She transferred to District WPB following the retirement of Mediator Langer. Therefore, the statistics for this division are an aggregation of the efforts of mediators Langer and Valliere.

³ Following Mediator Valliere's transfer from MIA to WPB, Mediator Havers replaced her in District MIA, Judge Hill's division. Therefore, the statistics for this division are an aggregation of the efforts of mediators Valliere and Havers.

⁴ The database did not capture the exact volume of petitions that each mediated in the WPB district. Therefore, the "petitions mediated" for each of these four mediators was increased by the volume of WPB mediations each conducted. In other words, for the purposes of this statistical analysis and reporting it was presumed that each such WPB mediation covered involved only one PFB. This is not mathematically supported, as approximately 100 petitions remain unaccounted using this presumptive process. In light of the time that would be required to attempt to correct this completely, and account for the missing PFB, it was decided that the estimate of one per mediation was sufficiently accurate for these purposes.

⁵ Even though Fla. Stat. §440.20(11)(a), states that the "Chief Judge," not the Deputy Chief Judge, shall submit this report to the legislature, this reference to the "Chief Judge" has been in the statute long before the OJCC was placed within the Division of Administrative Hearings, and actually refers to the head of the OJCC who is the Deputy Chief Judge under 440.45(1)(a), Florida Statutes.

⁶ Fla. Stat. §440.44(5) provides in part "The Office of the Judges of Compensation Claims shall maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they exist on June 30, 2001." This remains the law, despite the decision not to provide funding for these positions, and the resulting elimination of four state mediator positions effective July 1, 2012.

⁷ The statistics for Mediator Bisbee include eighty-seven (87) mediations conducted in District WPB by telephone. This included thirty-six (36) "Impasse," twenty-two (22) "Settled," three (3) "All Issues Resolved," eleven (11) "Some Issues Resolved," and fifteen (15) "All Issues Resolved Except Fees." Mediator Bisbee was likewise credited with eighty-seven (87) petitions mediated as a result of this activity. That number is believed to be understated as described more fully elsewhere in this report.

⁸ The statistics for Mediator Bredemeyer include one (1) mediation conducted in District WPB by telephone, which was an "Impasse." Mediator Bredemeyer was likewise credited with one (1) petition mediated as a result of this activity. That number may be understated as described more fully elsewhere in this report.

⁹ The statistics for Mediator Gordon include one (1) mediation conducted in District WPB by telephone, which was an "Impasse." Mediator Gordon was likewise credited with one (1) petition mediated as a result of this activity. That number may be understated as described more fully elsewhere in this report.

¹⁰ The statistics for Mediator Hardy include sixty-three (63) mediations conducted in District WPB by telephone. This included twenty-six (26) "Impasse," thirteen (13) "Settled," ten (10) "All Issues Resolved," five (5) "Some Issues Resolved," and nine (9) "All Issues Resolved Except Fees." Mediator Hardy was likewise credited with sixty-three (63) petitions mediated as a result of this activity. That number is believed to be understated as described more fully elsewhere in this report.

¹¹ The statistics for Mediator Hill include one (1) mediation conducted in District WPB by telephone, which was an "Impasse." Mediator Hill was likewise credited with one (1) petition mediated as a result of this activity. That number may be understated as described more fully elsewhere in this report.

¹² The statistics for Mediator Oramas include sixty-eight (68) mediations conducted in District WPB by telephone. This included twenty-four (24) "Impasse," nineteen (19) "Settled," zero (0) "All Issues Resolved," sixteen (16) "Some Issues Resolved," and nine (9) "All Issues Resolved Except Fees." Mediator Oramas was likewise credited with sixty-eight (68) petitions mediated as a result of this activity. That number is believed to be understated as described more fully elsewhere in this report.

¹³ Mediator Ronnenberg announced her departure during fiscal year 2013. She did not depart until after July 1, 2013 however. Therefore, though she is no longer in this position and has been replaced with mediator Stanton, the statistics for this division are entirely Ms. Ronnenberg's.

¹⁴ The statistics for Mediator Suskin include eighty-six (86) mediations conducted in District WPB by telephone. This included thirty-one (31) "Impasse," twenty-seven (27) "Settled," four (4) "All Issues Resolved," eleven (11) "Some Issues Resolved," and thirteen (13) "All Issues Resolved Except Fees." Mediator Suskin was likewise credited with eighty-six (86) petitions mediated as a result of this activity. That number is believed to be understated as described more fully elsewhere in this report.