

# STATE OF FLORIDA

## Division of Administrative Hearings



### 2016-2017 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 "Publications section under the "Reports" tab.

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 a work accident or disease. 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 2017 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 and staff formed 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 an OJCC 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 historically 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. Furthermore, the OJCC Clerk's office conducts extensive and ongoing auditing to both verify data and reinforce training. 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 scheduled mediation will be mediated at that time, pursuant to the law. Thus any 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 civil damages, which 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 a particular 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). Since that time, the OJCC has made various adjustments. Offices that previously were assigned three mediators and three judges were reduced to two mediators each. This has necessitated out-of-district mediation assistance periodically in District WPB. These efforts are documented more fully in the 2015-2016 Mediation Report.<sup>1</sup>

Similarly, with various mediator retirements and resignations, the mediations have been regularly maintained on the OJCC calendar through the efforts of other state mediators and conducted by telephone or videoteleconference. The effort illustrates the flexibility of the OJCC generally and of the exceptional people that are serving Florida in this Office. The state mediators have demonstrated a spirit of teamwork and dedication that illustrates the core value of public service.

## **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 statutorily 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).<sup>2</sup> Of these settlements by unrepresented claimants, only the former (a) 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.<sup>3</sup> The "11(a) settlements" for 2016-17 totaled \$685,608. This represented a significant (+65%) increase from 2015-16. While the "11(a)" volume dipped to its lowest volume in recent years in 2015-16, the volume in 2016-17 is the highest in ten years.

In the fiscal year ("FY") ending June 30, 2017, there were 87 reported 11(a) settlements, a small increase from the 76 reported in FY 2016. Though there has been some fluctuation, the total volume of these settlements has been between 75 and 99 for the last seven fiscal years. The overall aggregate dollar volume of these settlements had been remarkably similar for three fiscal years until the marked decrease in 2015-16 followed by the marked increase in 2016-17.

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%
2013-14	\$476,715	-1%
2014-15	\$485,957	2%
2015-16	\$414,357	-15%
2016-17	\$685,608	65%

The settlements in fiscal year 2016-17 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 34%, “Not in the Course and Scope” at 16% and “No Injury Occurred” which accounted for approximately 14% of the 11(a) settled cases. These three categories accounted for approximately 64% of the 11(a) settlements in 2016-17. This is reasonably consistent with the results in the last three fiscal years.

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 2016-17 there were 25,983 workers’ compensation settlements. Accordingly, the number of 11(a) washouts in 2016-17 (87) was only 0.3% (87/25,983) of all settlements approved during the year. The percentage has been relatively similar for the last five fiscal years. 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, published each November. That conclusion has been noted in the statutorily required 11(a) settlement report for the last several years.

Reason for Denial	Volume	Percent	Average	High	Low
Causal Connection Lacking	30	34.48%	\$6,888	\$22,500	\$1,000
Not in Course and Scope of Employment	14	16.09%	\$9,571	\$50,000	\$1,500
No injury occurred	12	13.79%	\$4,513	\$14,900	\$500
Injury Not Timely Reported	11	12.64%	\$10,823	\$50,000	\$2,000
No Accident Occurred	8	9.20%	\$5,775	\$15,000	\$900
Unspecified	5	5.75%	\$15,000	\$52,000	\$1,000
Positive Drug Test	3	3.45%	\$4,333	\$5,000	\$3,000
Not an employee	3	3.45%	\$11,667	\$31,000	\$1,500
Statute of Limitations	1	1.15%	\$2,548	\$2,548	\$2,548

### **Number of Mediation Conferences Held:**

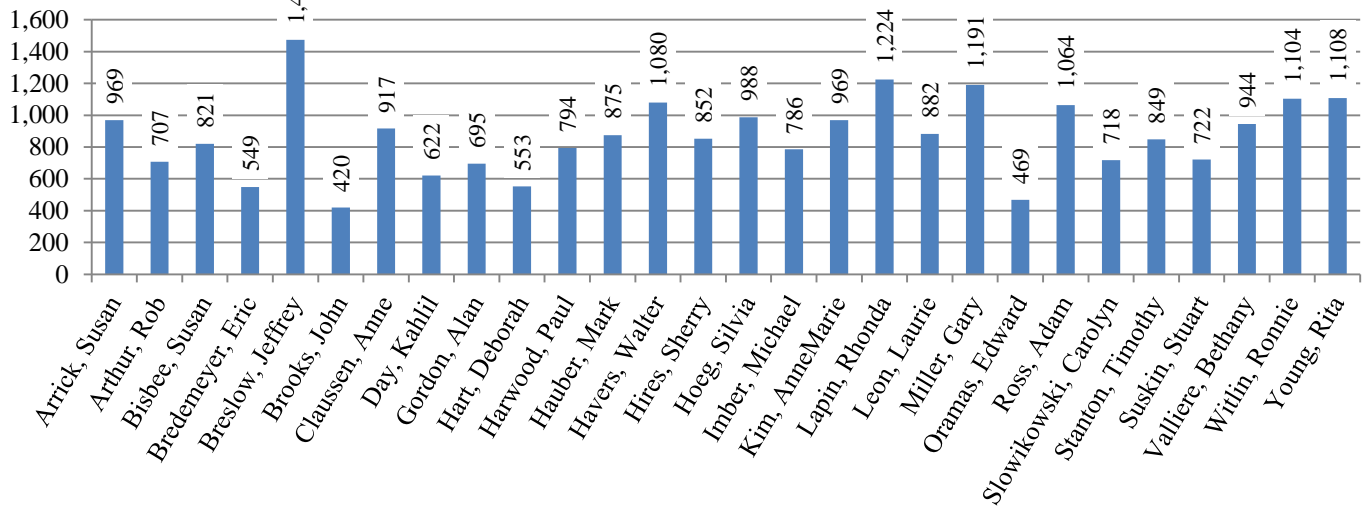
The volume of mediations held each year has decreased markedly since 2002-03. The rates of decrease in mediations conducted did not match the rate of decrease in PFB filings. This suggests that as PFB volume fell over that six-year period, OJCC mediators were able to act upon a greater percentage of 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. 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 recent years, the volume of mediations conducted has vacillated, but remained reasonably similar around 16,000.

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%
2013-14	59,292	2.16%	16,188	2.13%
2014-15	60,021	1.23%	15,421	-4.74%
2015-16	67,265	12.07%	15,703	1.83%
2016-17	70,365	4.61%	16,079	2.39%

The overall volume of Petitions (PFB) mediated by State Mediators overall has decreased over the last ten years. The decreases were more pronounced between 2005-06 and 2006-07, followed by a steady decrease through 2011-12. The volume has increased since 2011-12, but has not returned to the volumes previously seen, as illustrated in this graph.

## Volume of PFBs Mediated by Each Mediator 2016-17

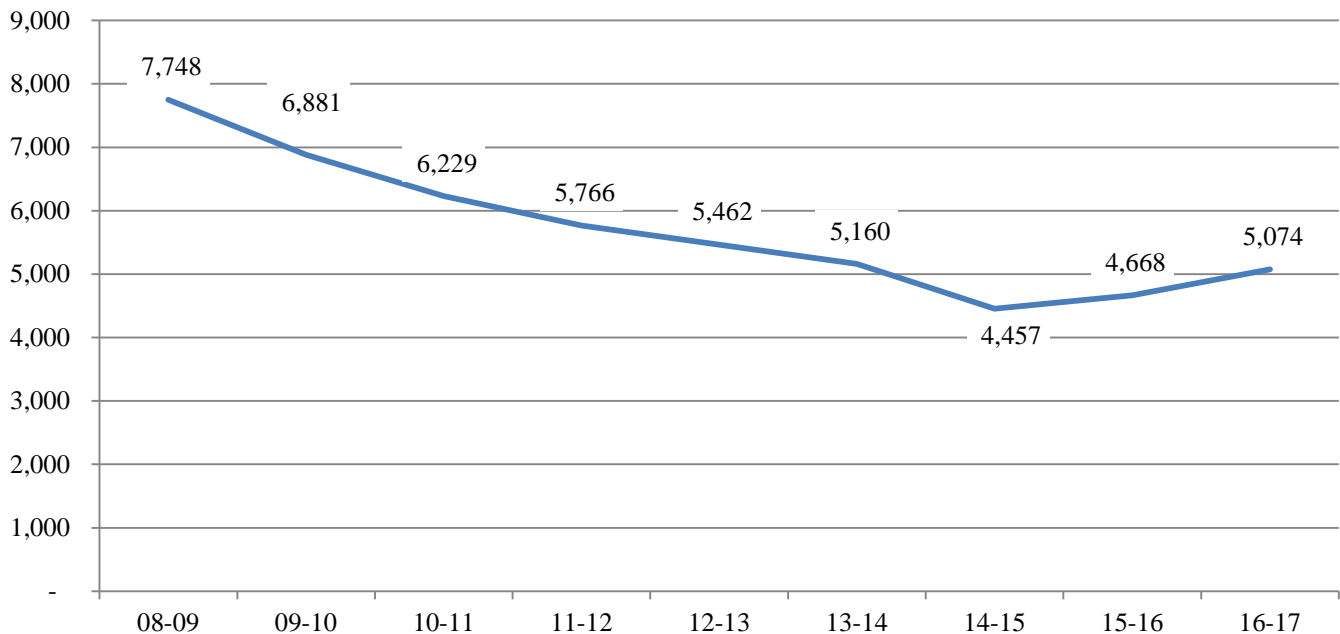


### Dismissed and Resolved Prior

Some volume of petitions does not reach the mediation process. These may be dismissed before the scheduled mediation conference, or the parties may report that they have either settled the case or resolved the pending issues prior to the mediation. Other cases are reset for private mediation. A significant volume of litigation is resolved among the parties after filing, but before mediation.

Similarly, the volume of petitions that have been reset for private mediation has decreased consistently through 2014-15. The overall decline, comparing 2008-09 to 2014-15 was approximately forty-three percent (42.5%). The volume has increased in 2015-16 and 2016-17, which is consistent with both the increasing volume of PFB filing and the increased volume of PFB mediated.

### Reset Private

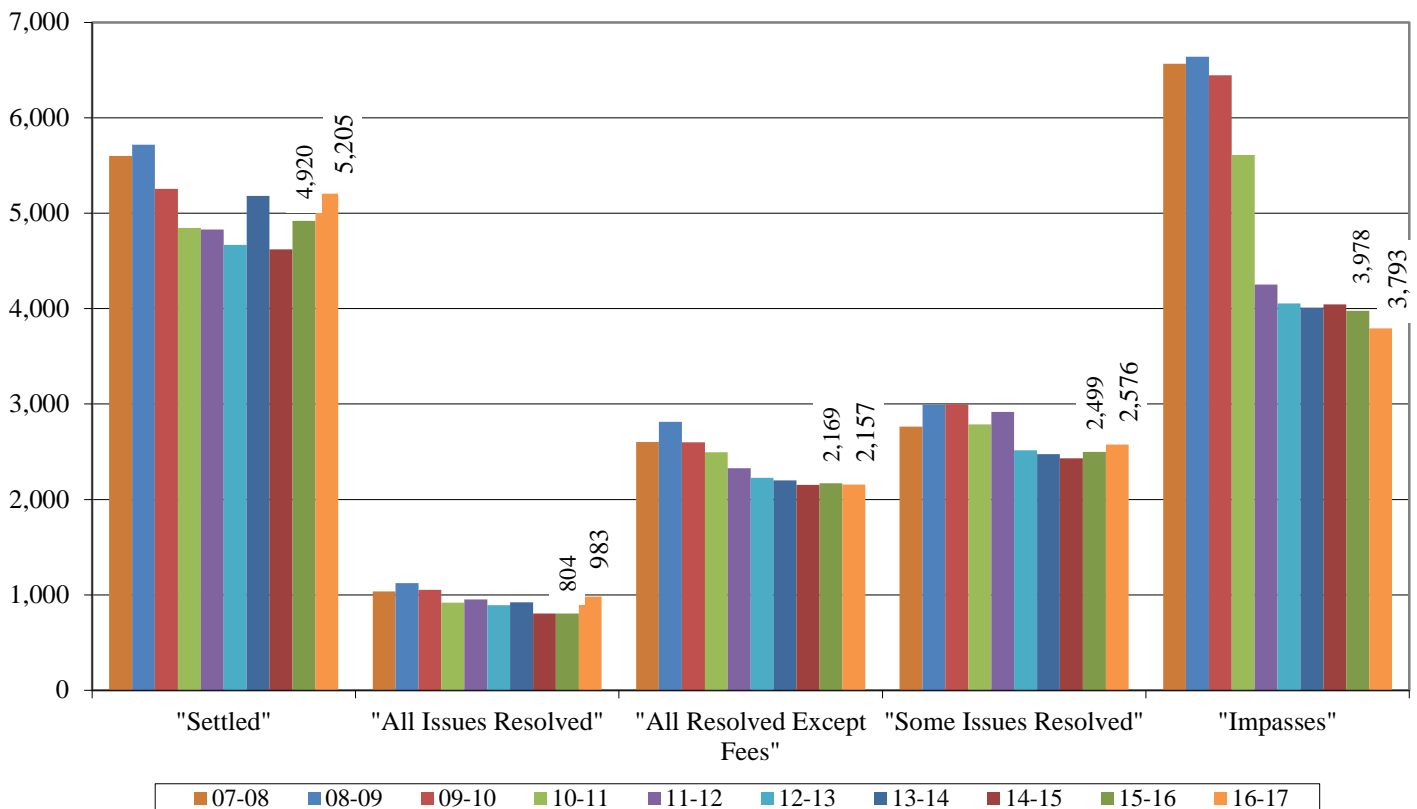


## Disposition of Mediation Conferences:

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 PFB issues 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.

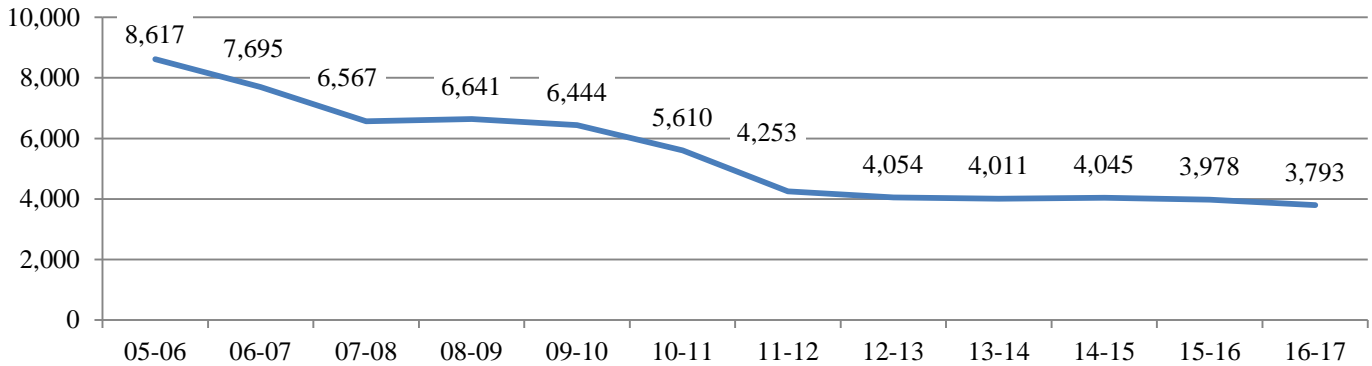
The term “some issues resolved” reflects that some subset of the claimed substantive issues has been resolved. The term “all issues resolved except attorney’s fees” reflects that all of the substantive issues and any ancillary penalty and/or interest issues were resolved, but fee/cost entitlement and/or 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 eleven (11) 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, and improved notably in 2016-17.



## "Impasses"

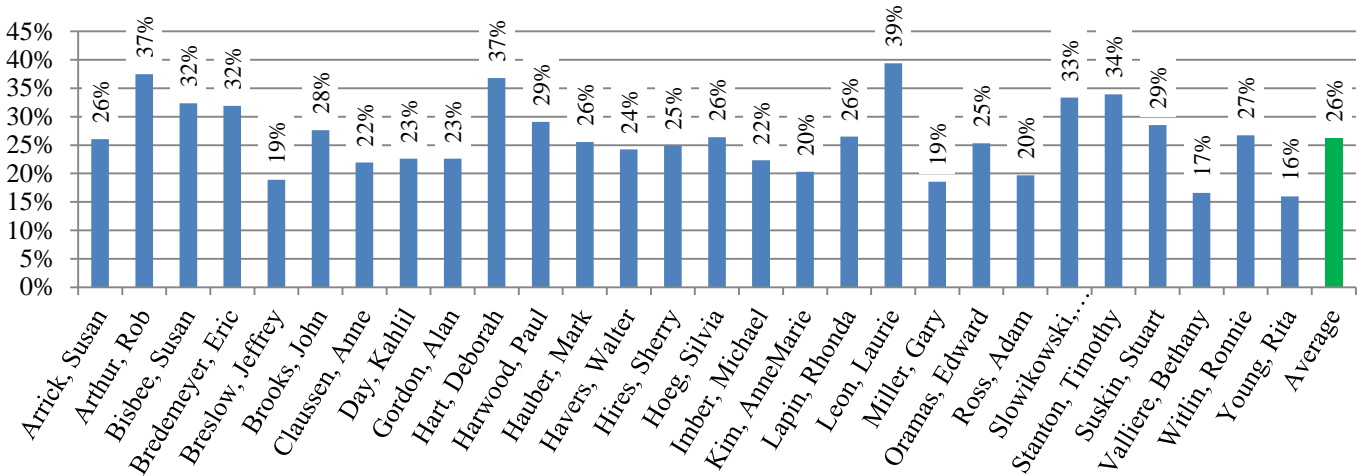


These marked decreases in “impasse” between 2005 and 2013 are illustrative of efforts by the OJCC mediators to resolve at least some aspect of the cases which are presented to them. Despite decreasing volumes of mediations overall, the percentages of convened mediations resulting in impasse are impressive. Expressed as a percentage of the mediations held by OJCC mediators, the volume of “impasse” outcomes for the last ten years are:

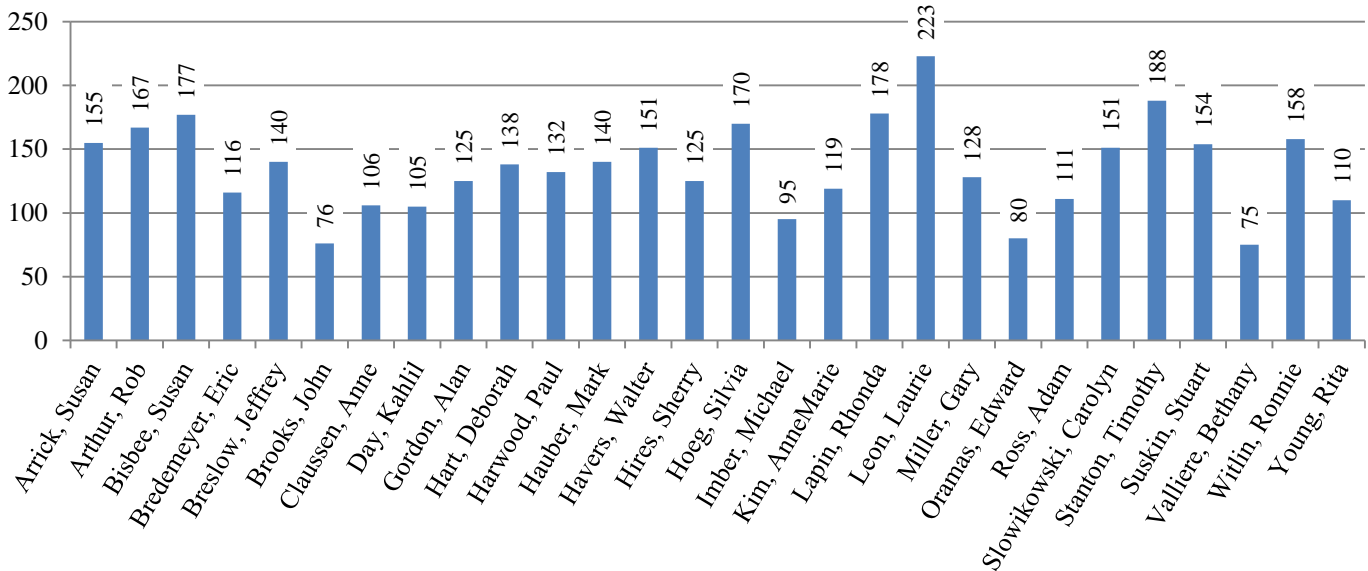
Year	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17
Percentage	32.8%	31.9%	32.4%	31.3%	25.2%	25.6%	24.8%	26.2%	25.3%	23.6%

The corollaries of these figures, represents the volume of OJCC mediations in which at least some volume of issues were resolved. In approximately seventy-four percent (76.4.7%) of 2016-17 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.

## Percentage of Mediations "Impassed"



## "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.

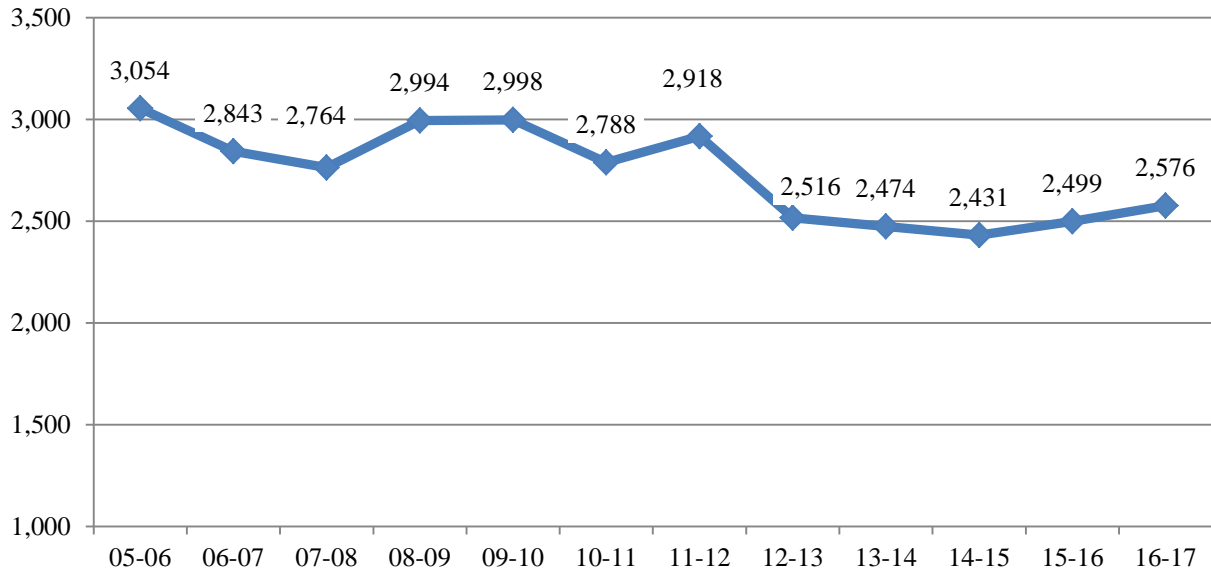
Obviously, with an impasse, no issues are resolved. Conversely, with a settlement, all issues in the case are resolved. Settlement resolutions include the issues that are pending at that moment in time and all issues that could arise in the future. These two characterizations are the polar ends of the 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:

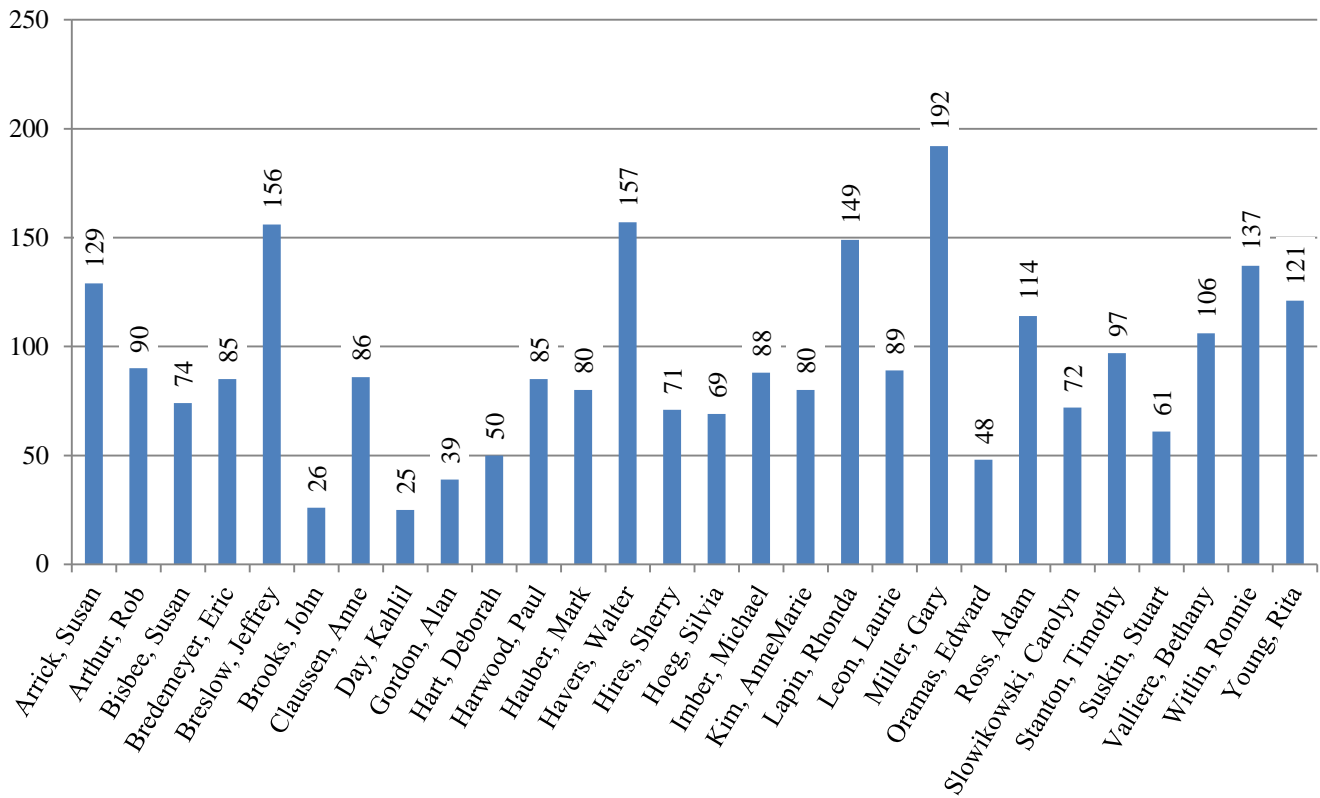
Impasse                  Some Issues Resolved                  All Resolved Except Fees                  All Resolved                  Settlement

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.

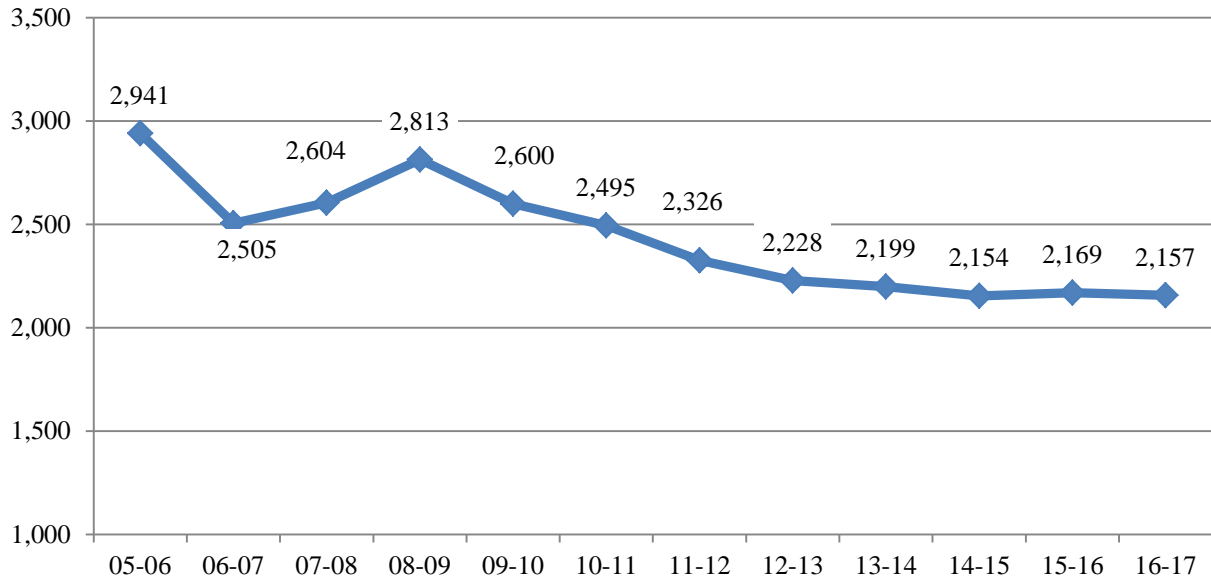
## Overall "Some Issues Resolved"



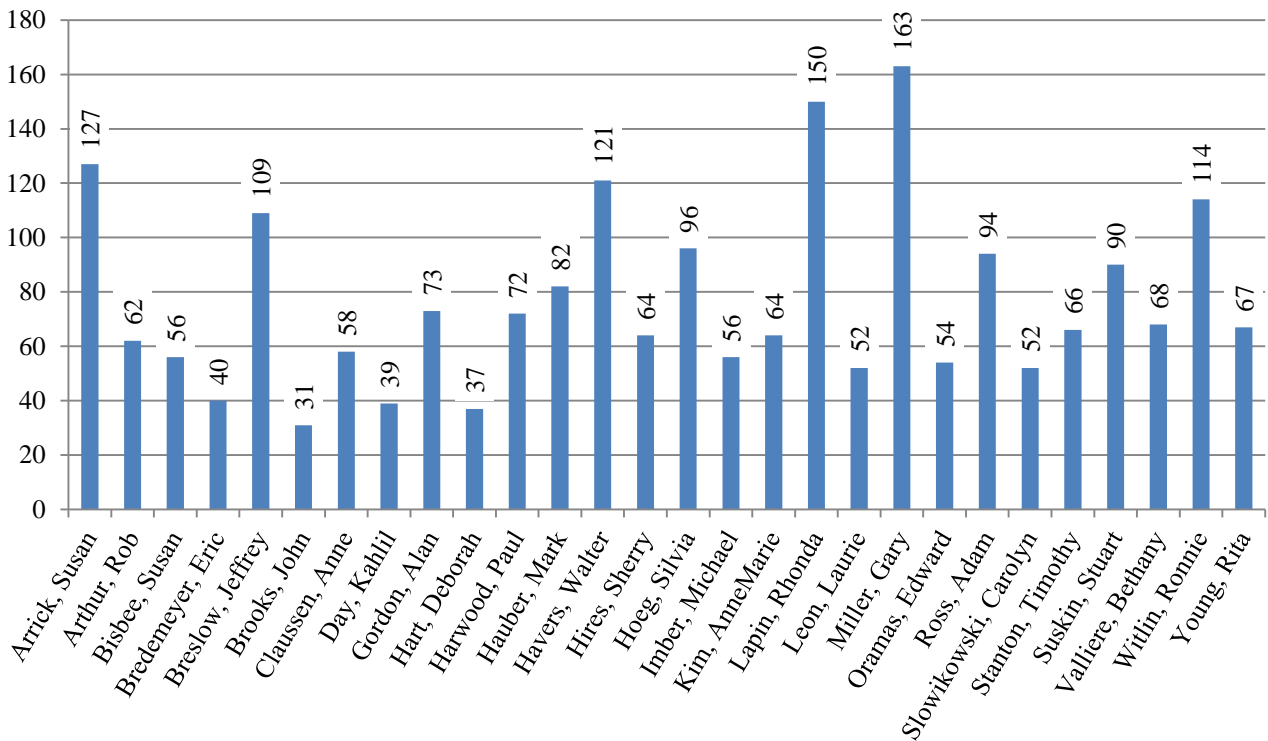
## "Some Issues Resolved" for Each Mediator 2016-17



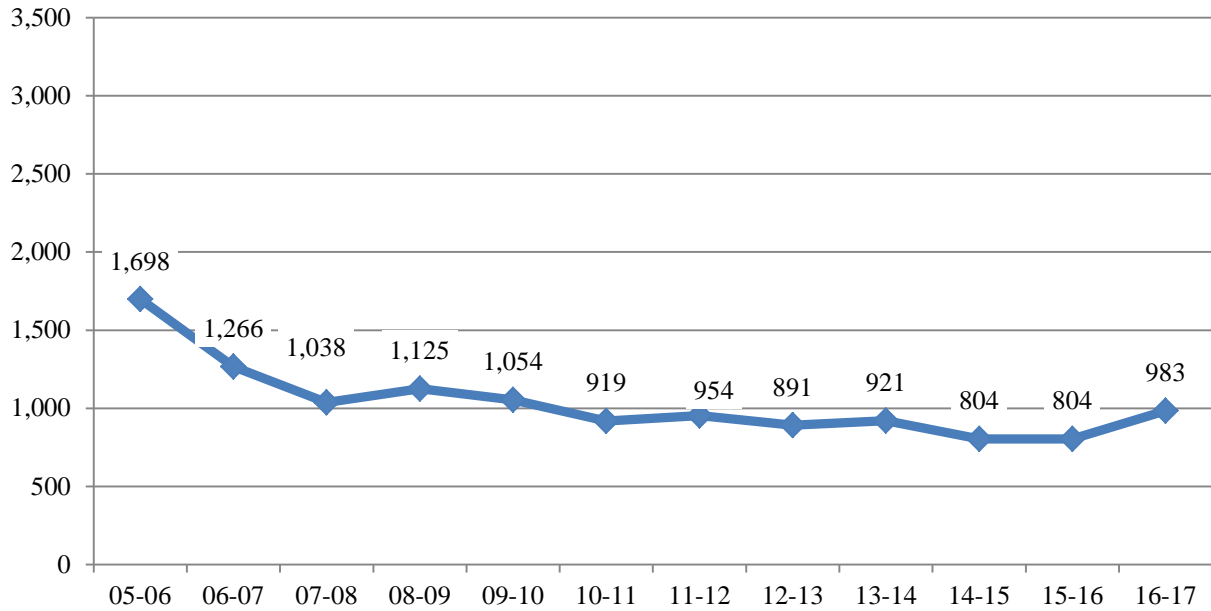
## Overall "All Resolved Except Fees"



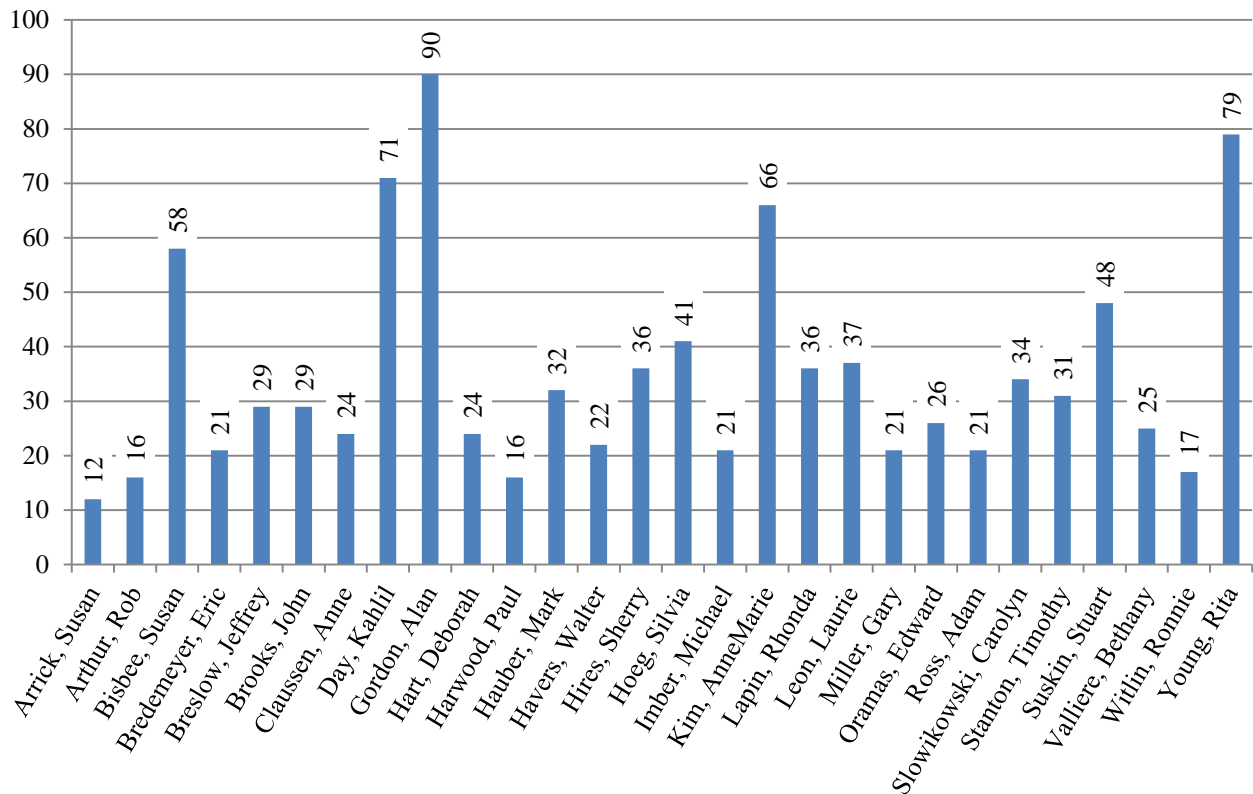
## "All Resolved Except Fees" for Each Mediator 2016-17



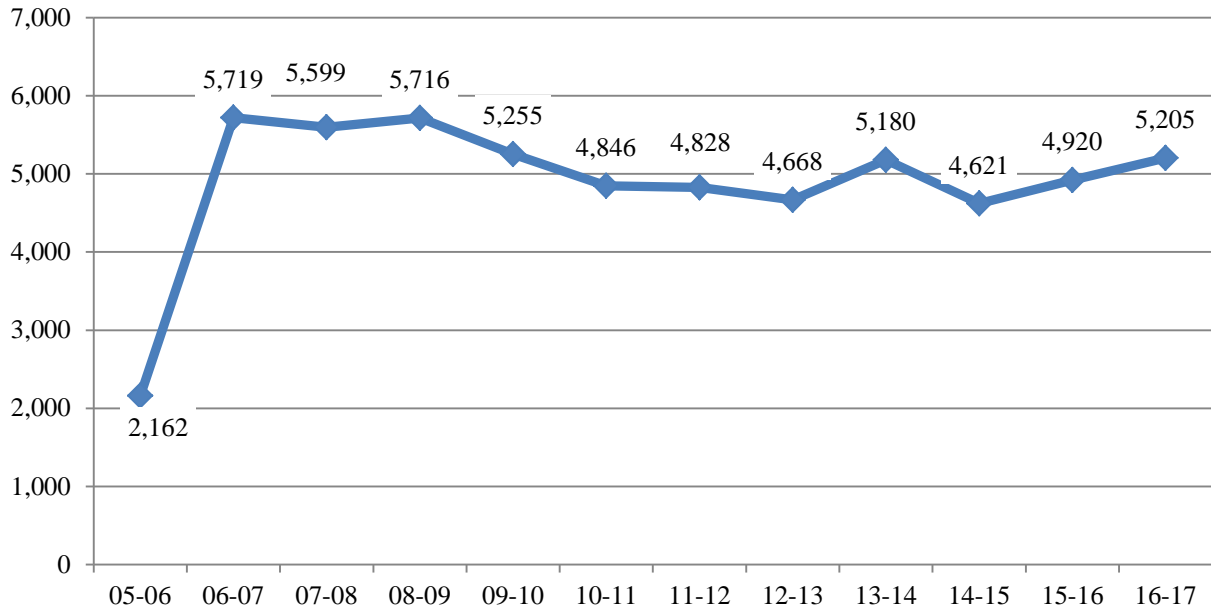
## Overall "All Issues Resolved"



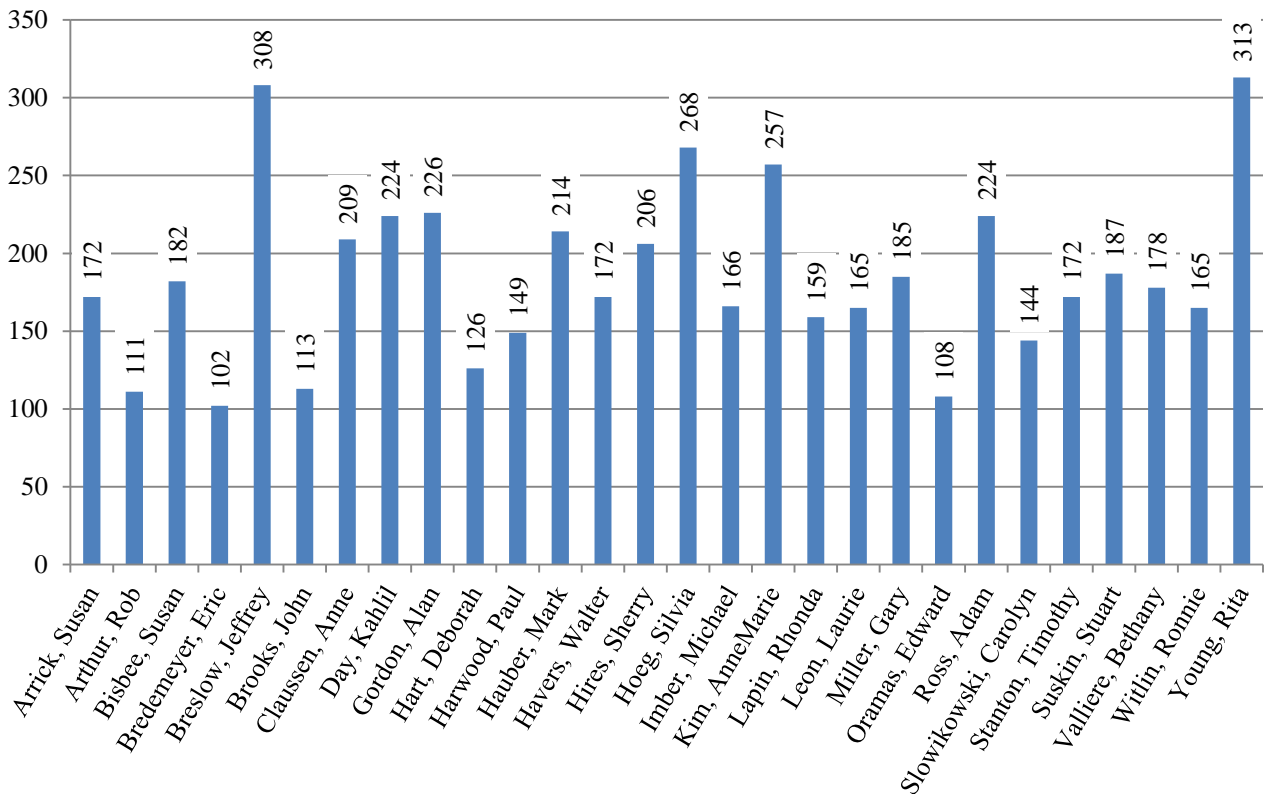
## "All Issues Resolved" for Each Mediator



## Overall "Settled"



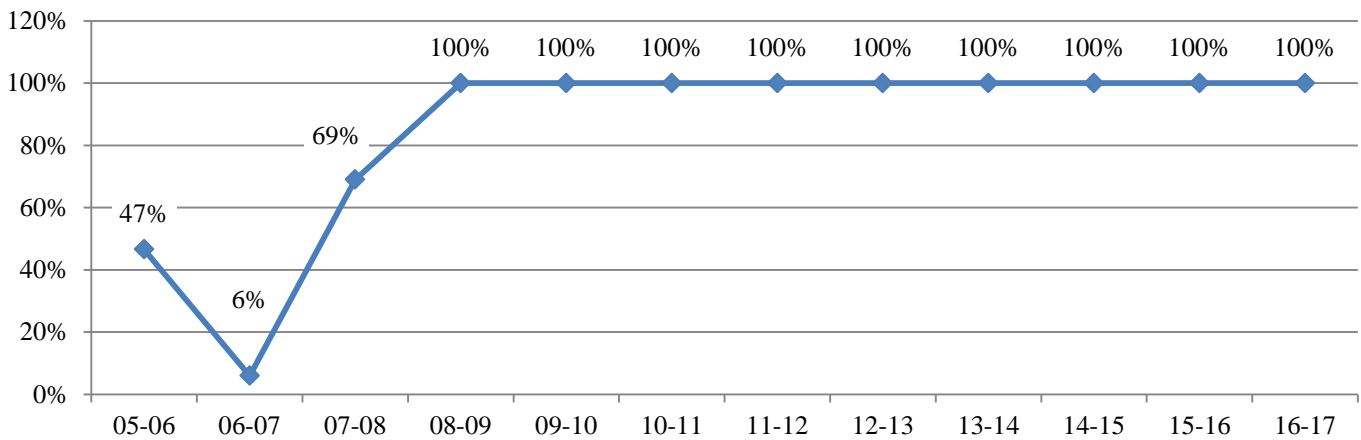
## "Settled" for Each Mediator



**Timeliness of Mediations:**

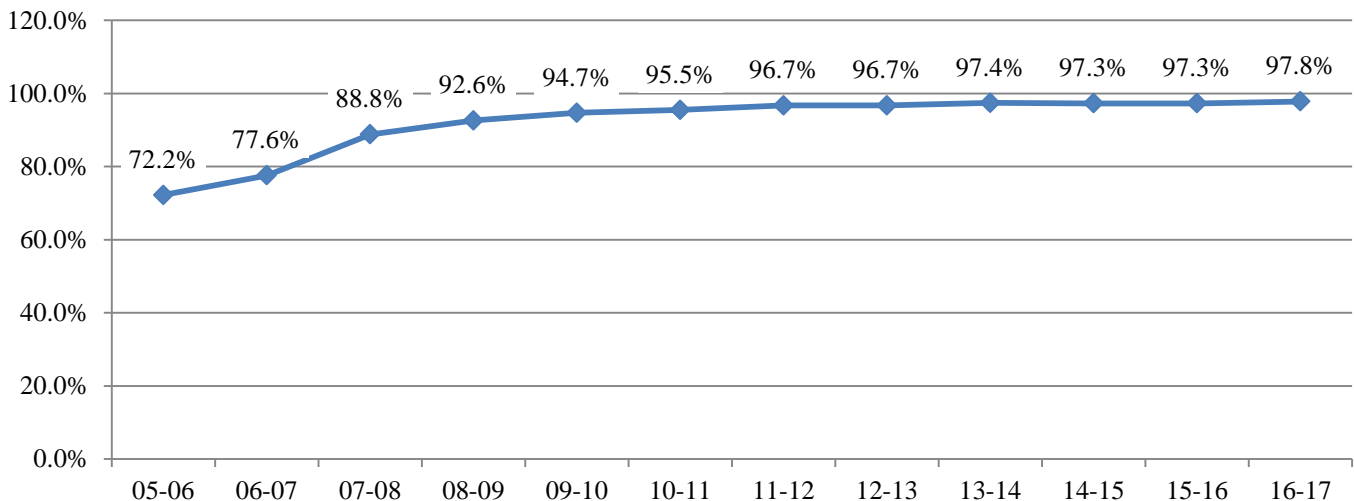
The Florida workers’ compensation law requires that mediation occur within 130 days of the PFB filing. There are nonetheless situations in which this parameter cannot be met. In personal injury actions, it is common that mediation is occurring after the rendition of medical modalities and the injured 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 seven 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**

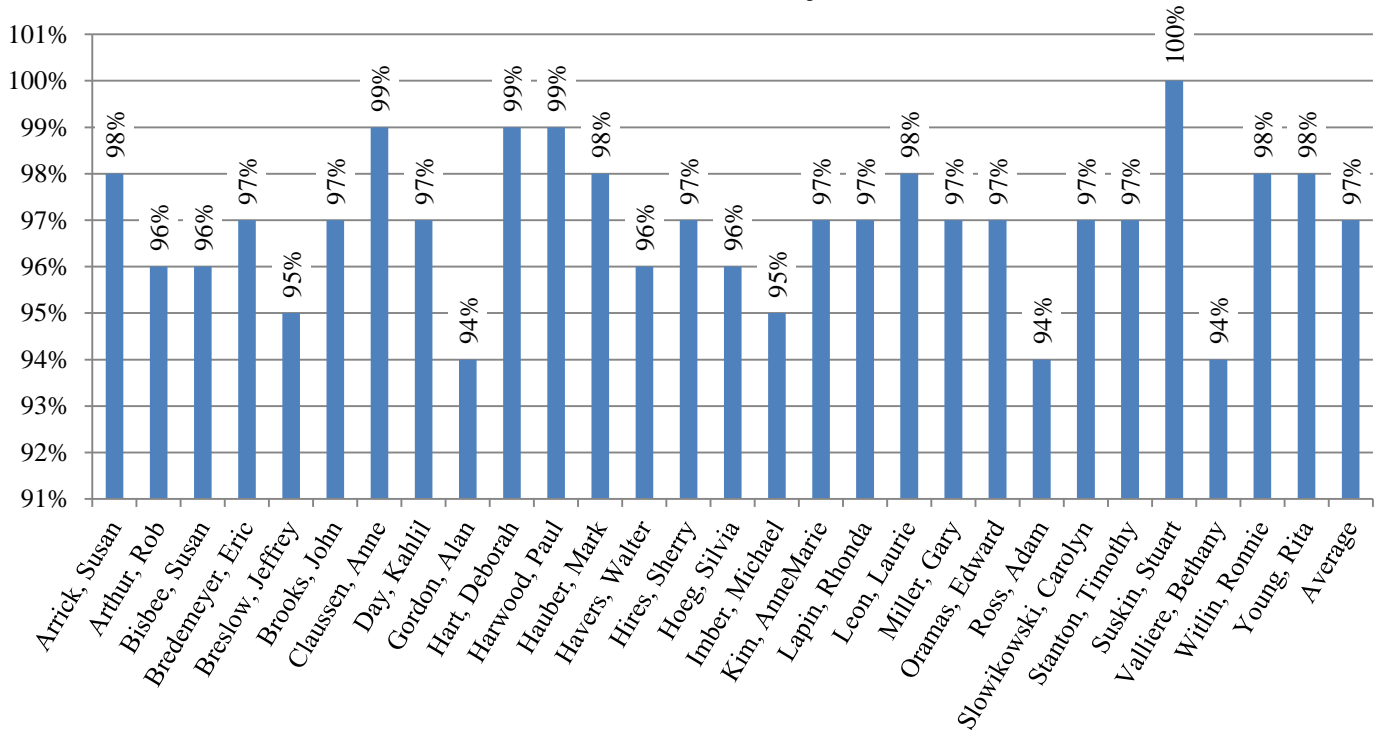


In fact, in 2016-17 the OJCC mediators mediated approximately 98% of the PFB within the 130 day statutory parameter. Forty-eight percent were mediated within ninety days. This marks outstanding performance over the last ten years.

**Percent Mediated within 130 Days**



## 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’s cyclone season 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, and has decreased to a very small rate, below one percent for the last five fiscal years.

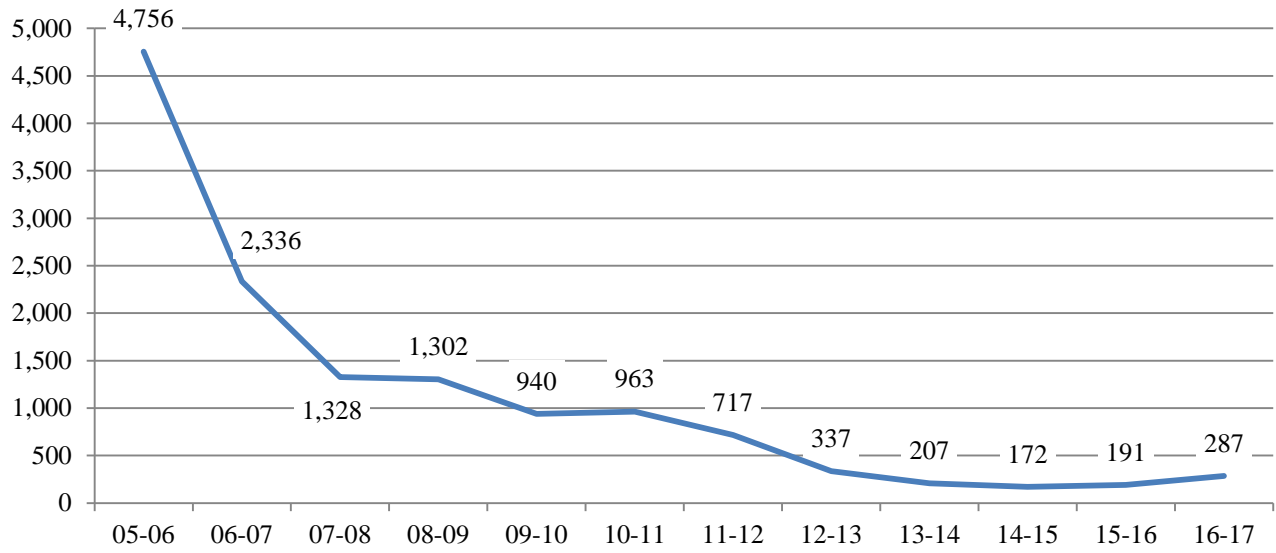
Some portion of the stabilizing figures in recent years is due to the staff training provided by the OJCC since 2006 and the resulting uniformity in the use of the characterization “continued” within the OJCC database. Mediations whose calendar date is changed after initial scheduling, but for which the new date is within the 130 day statutory requirement are not “continued,” but “rescheduled.” Consistency with these characterizations has improved in recent years also.

Some portion of both the stabilizing of these figures and the marked decrease in the number of mediation conference continuances has been deemed likely attributable to the annually decreasing volume of PFB filings. It is therefore encouraging to see the continuance rate remaining below one percent despite a significant increase in PFB filings the last two fiscal years.

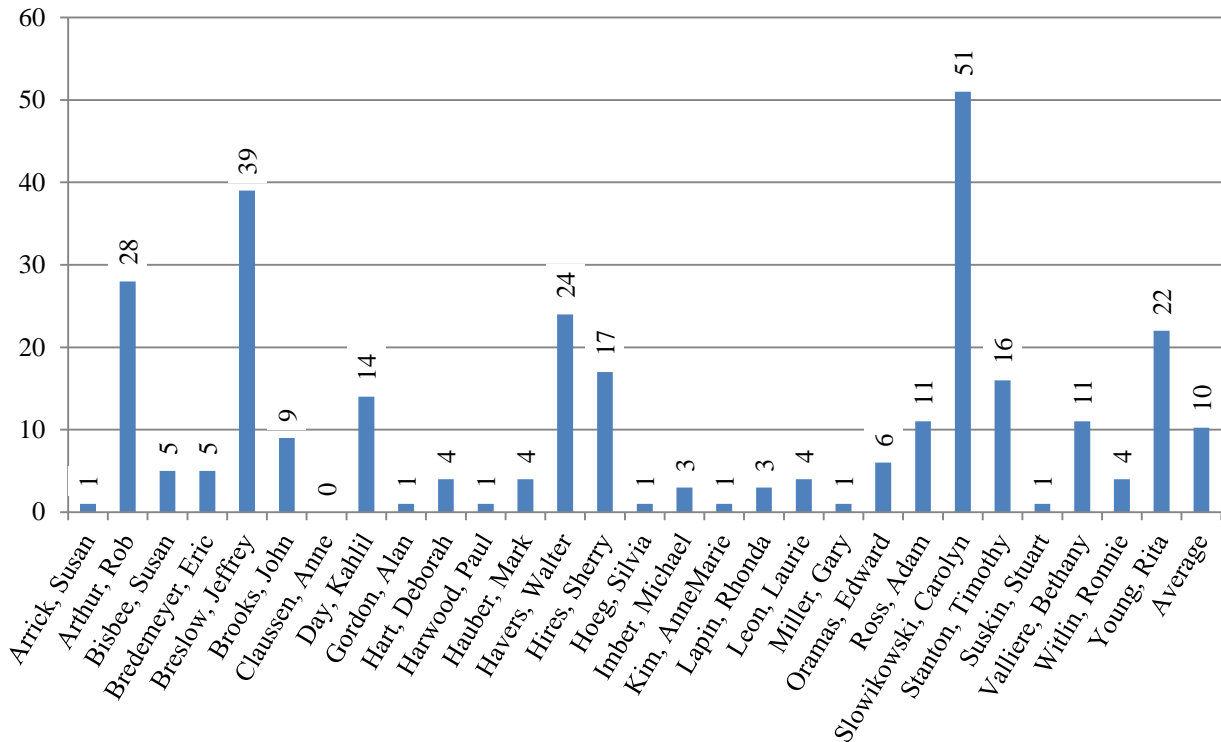
Fiscal Year	Petitions Filed	Mediations Continued	Med. Cont. v. PFB Filed
2002-03	151,021	2,755	1.82%
2003-04	127,458	2,036	1.60%
2004-05	107,268	3,333	3.11%
2005-06	90,948	4,756	5.23%
2006-07	82,607	2,336	2.83%
2007-08	72,718	1,328	1.83%
2008-09	73,863	1,302	1.76%
2009-10	67,971	940	1.38%
2010-11	64,679	963	1.49%
2011-12	61,354	717	1.17%
2012-23	58,041	364	0.63%
2013-14	59,292	207	0.35%
2014-15	60,021	172	0.29%
2015-16	67,265	191	0.28%
2016-17	70,365	287	0.41%



## Overall Mediations "Continued"

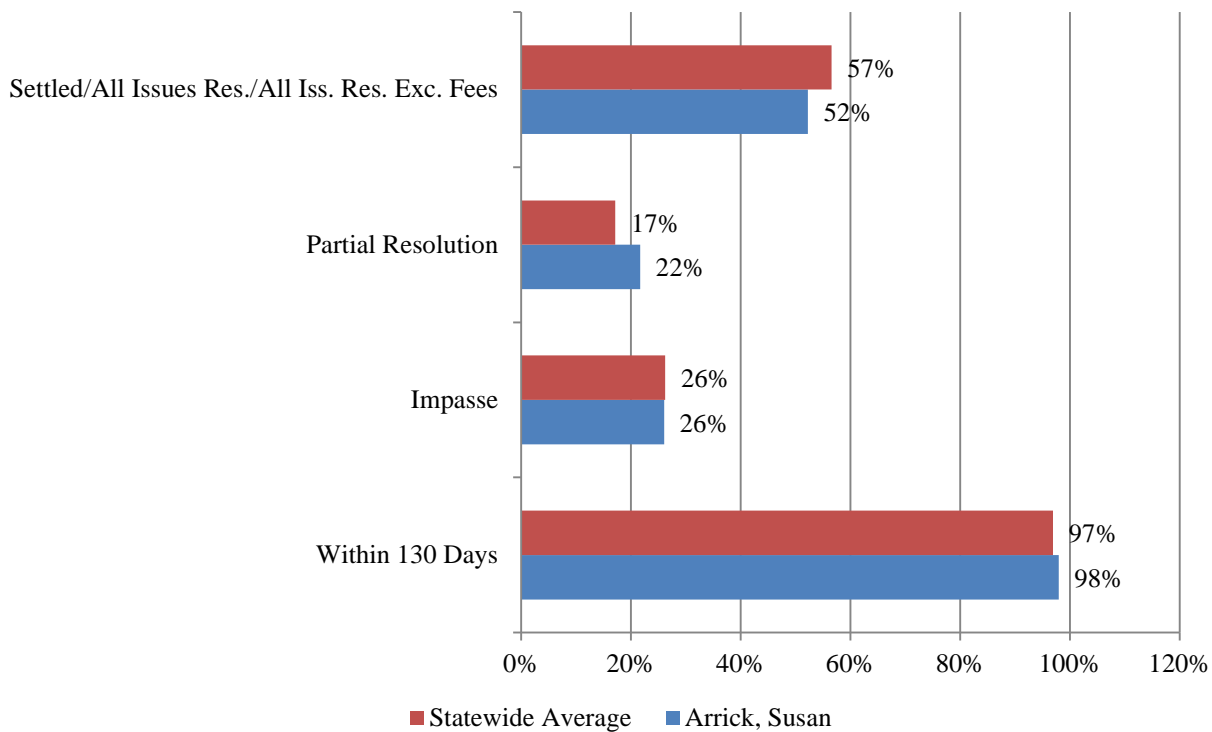
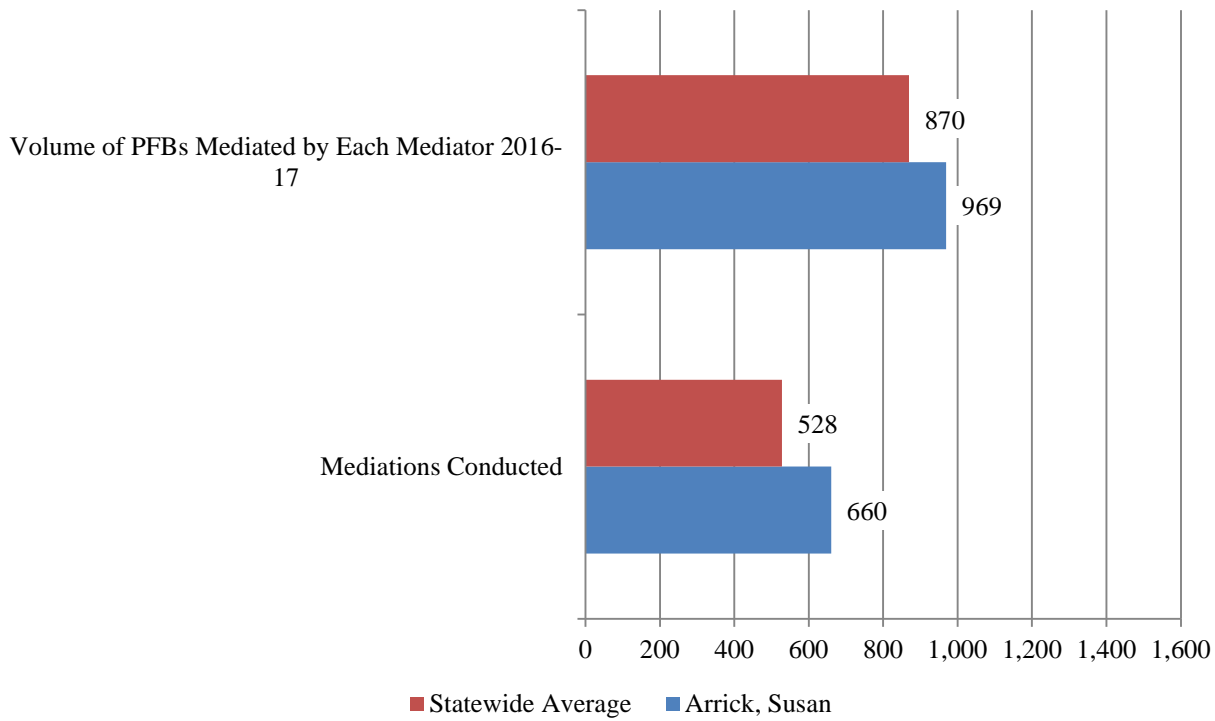


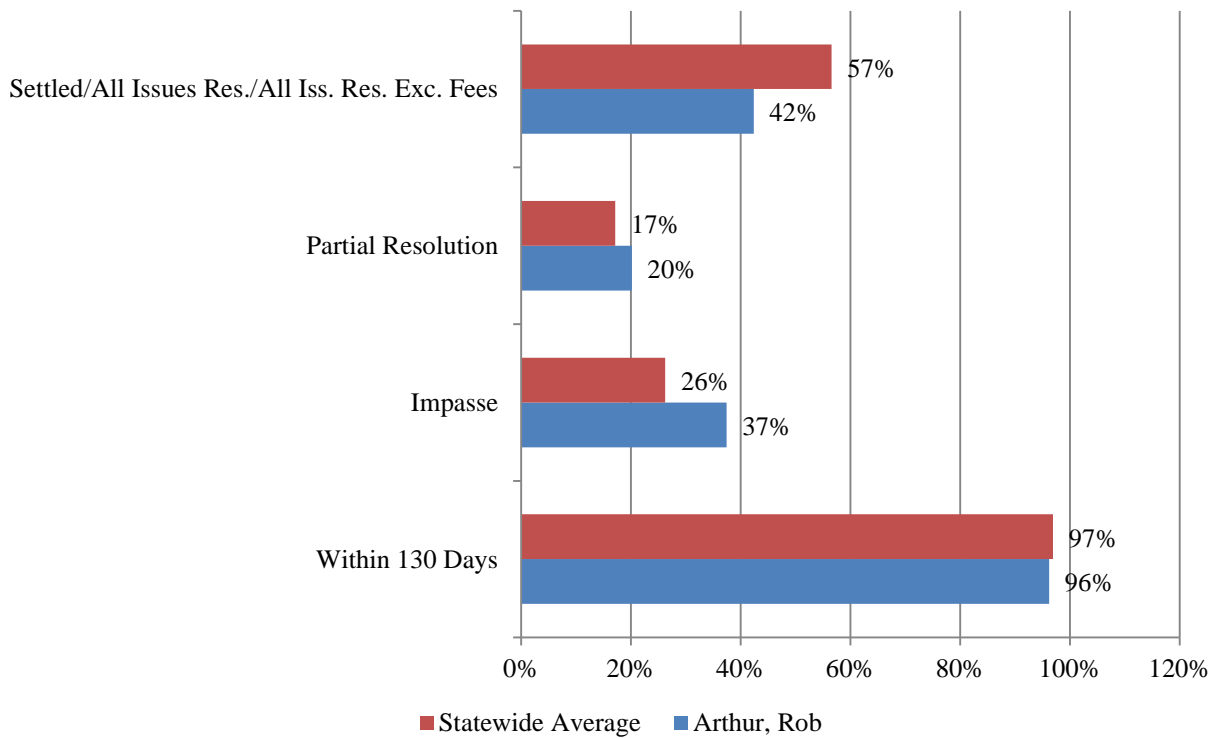
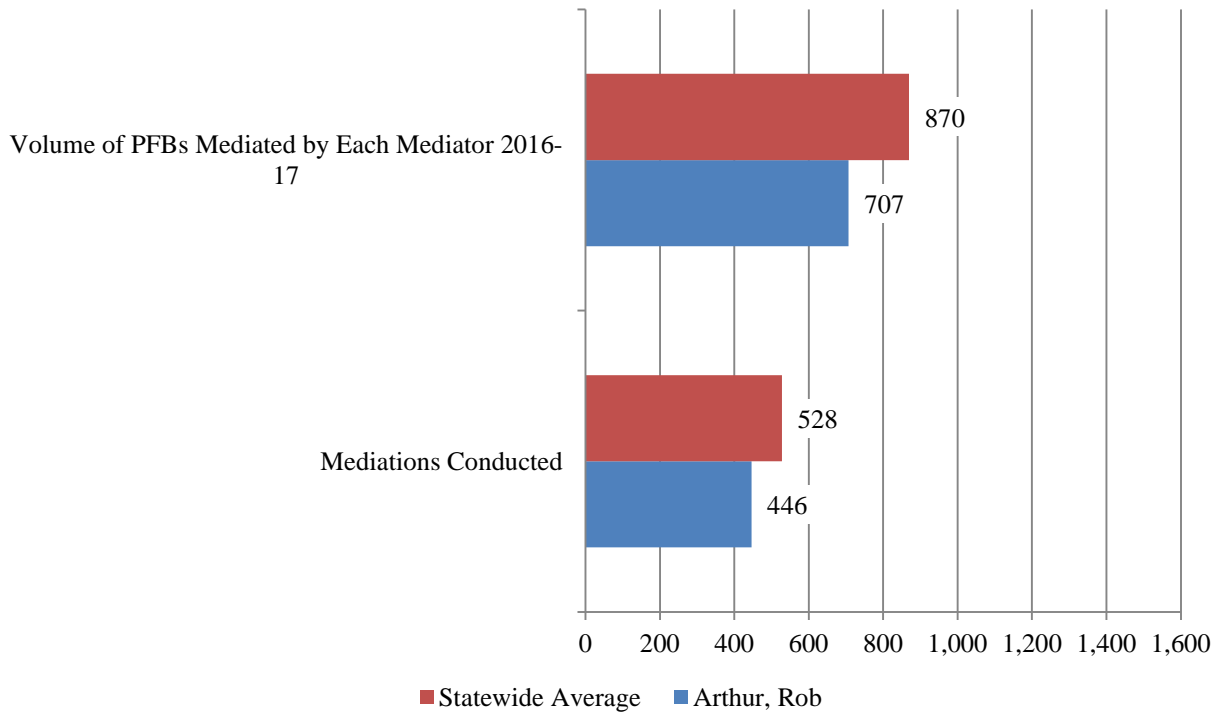
## "Continued" for Each Mediator



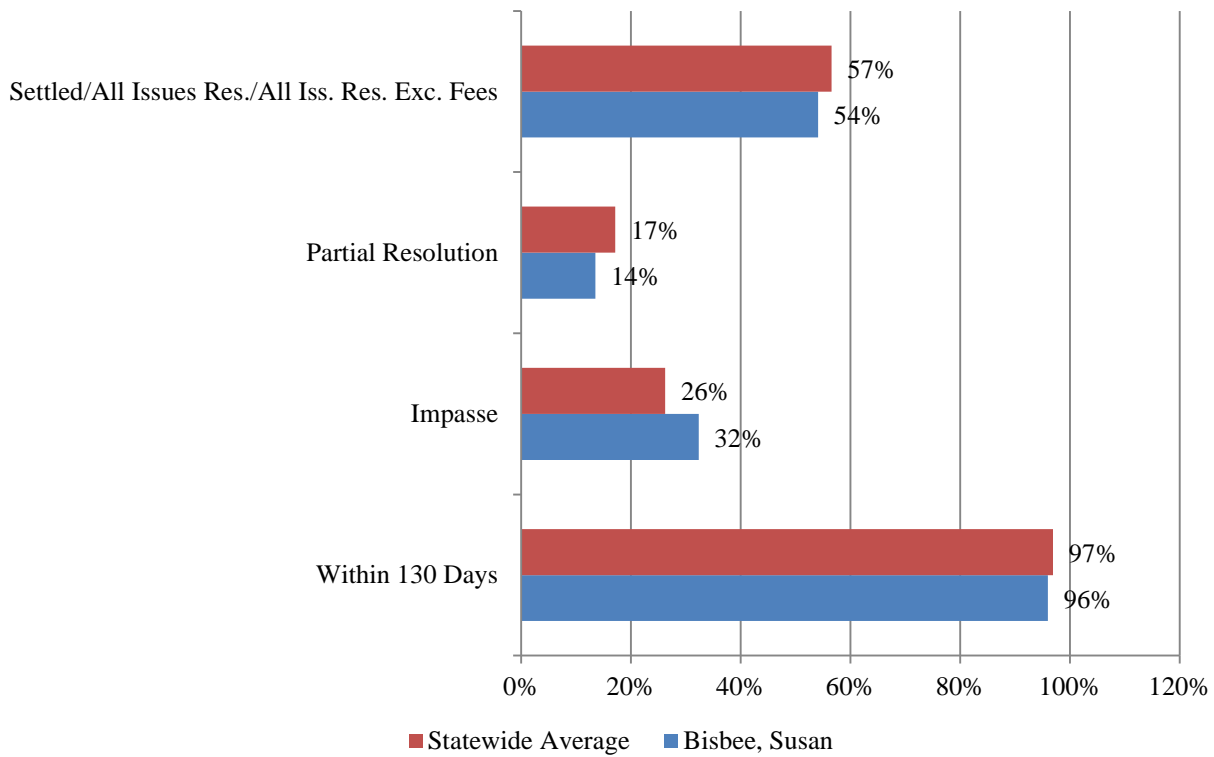
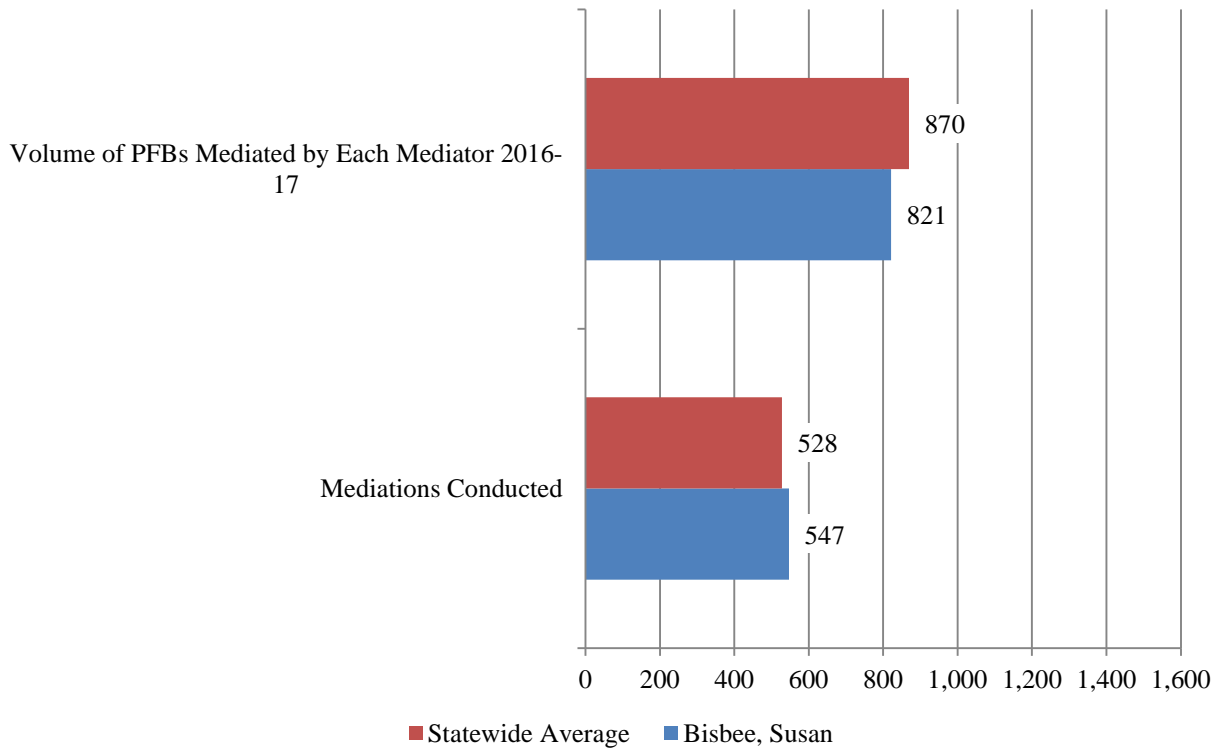
## Individual Mediator Statistics:

Arrick, Susan (MIA)

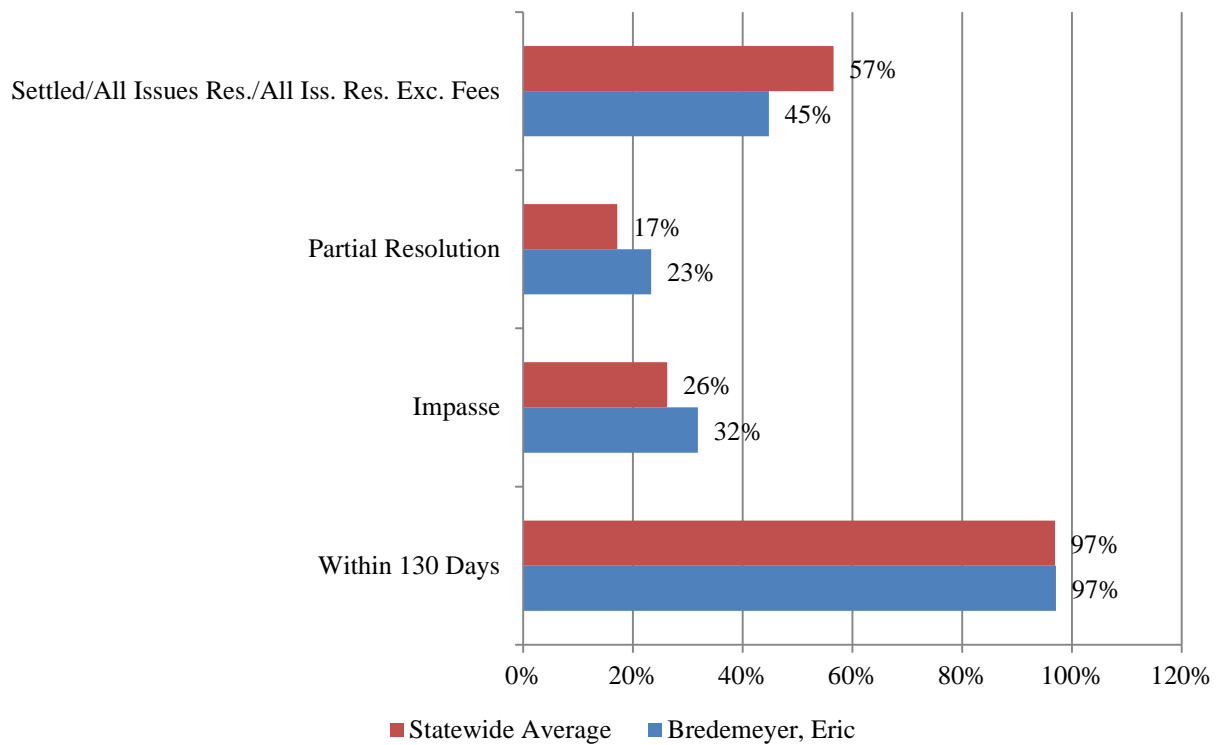
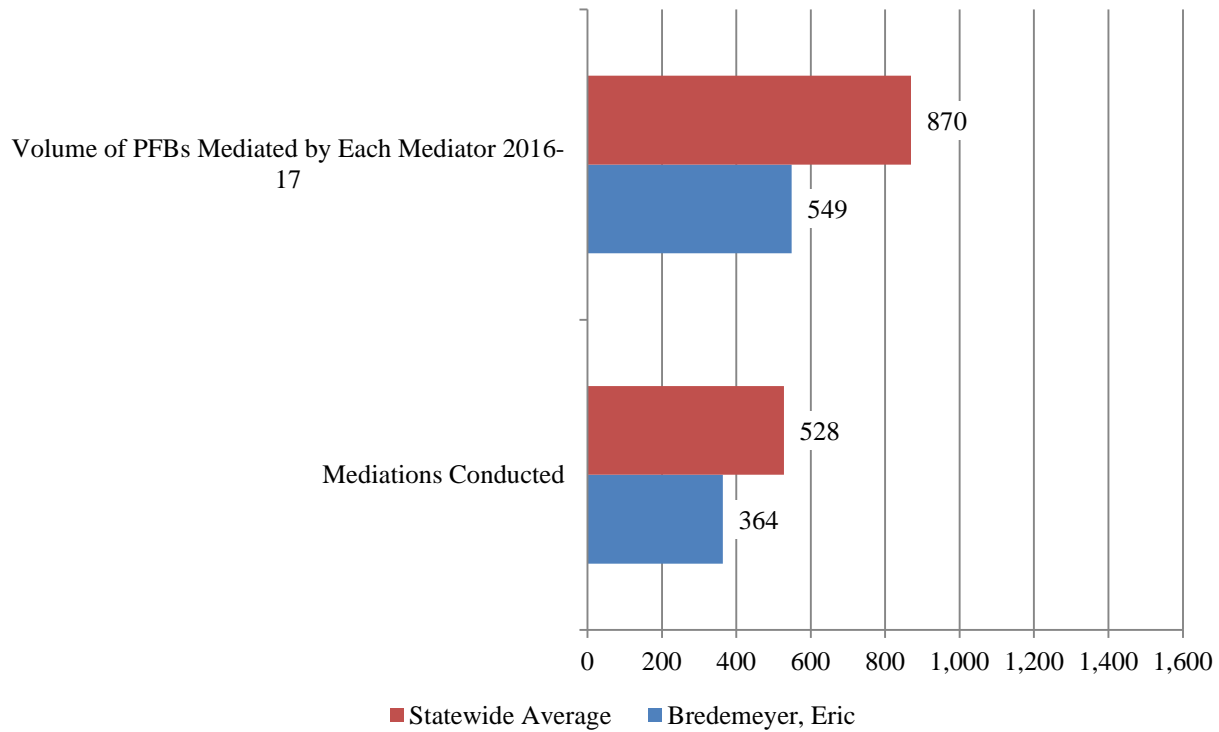




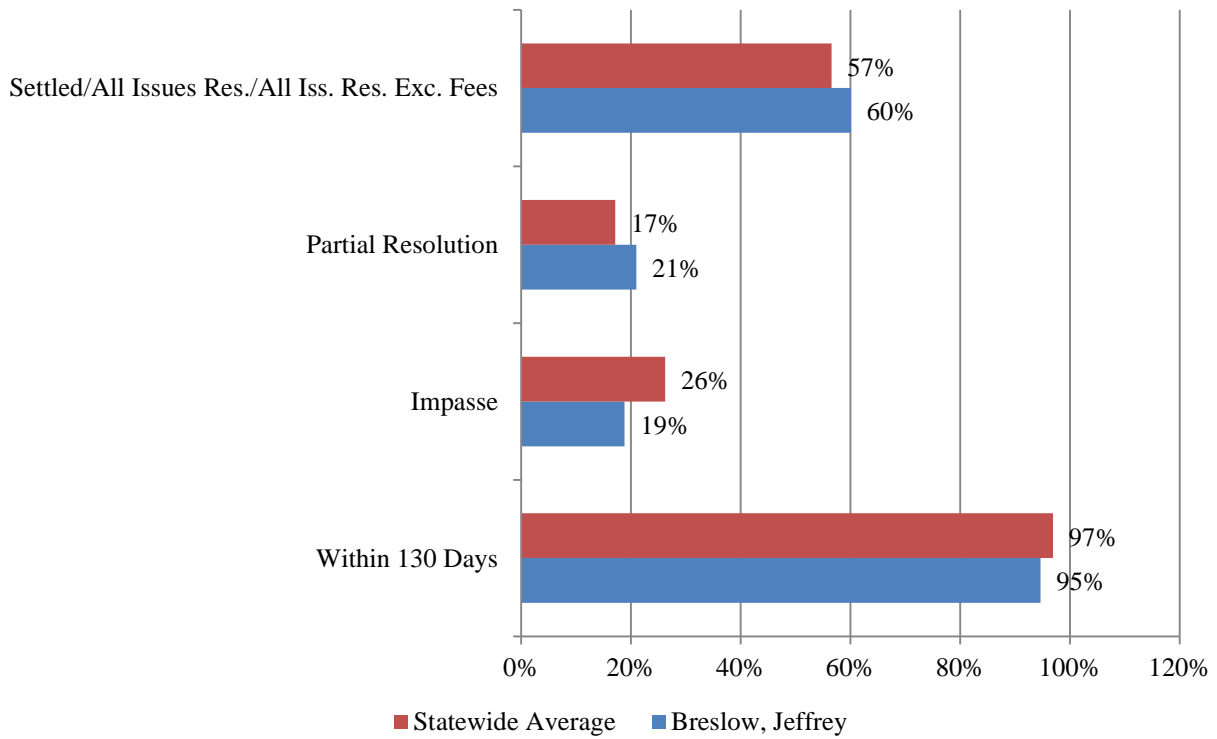
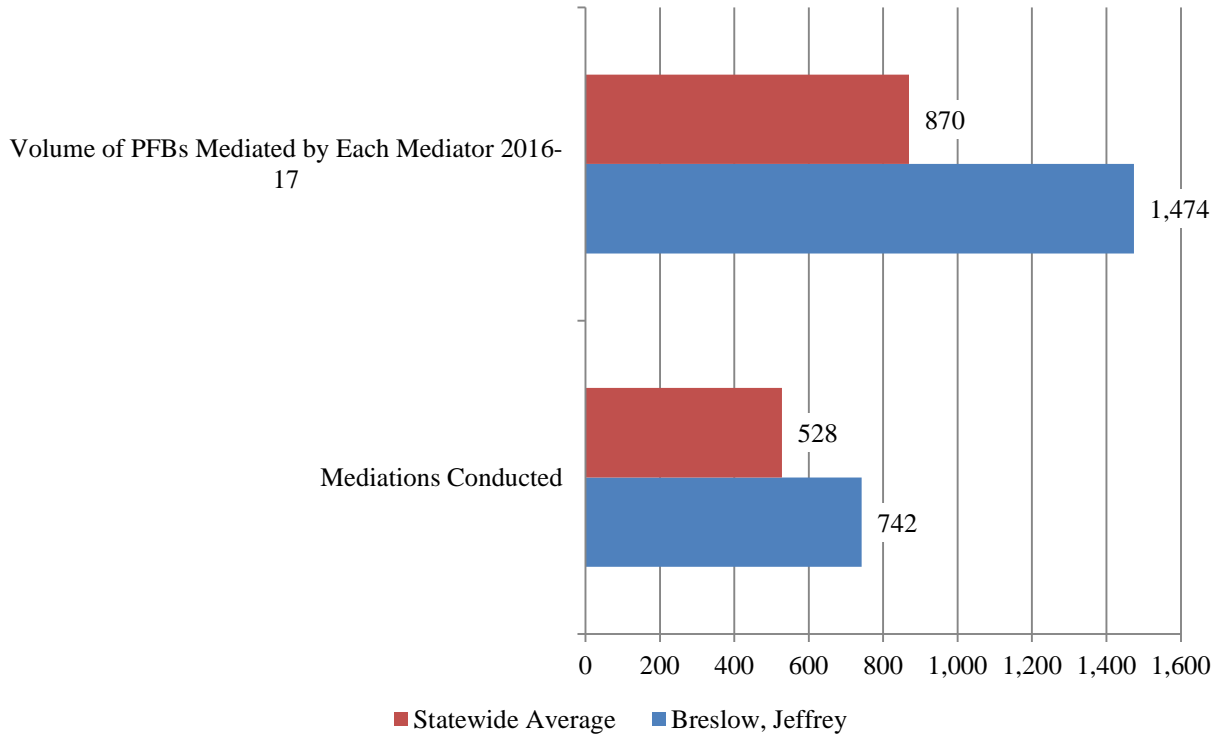
Bisbee, Susan (TLH)

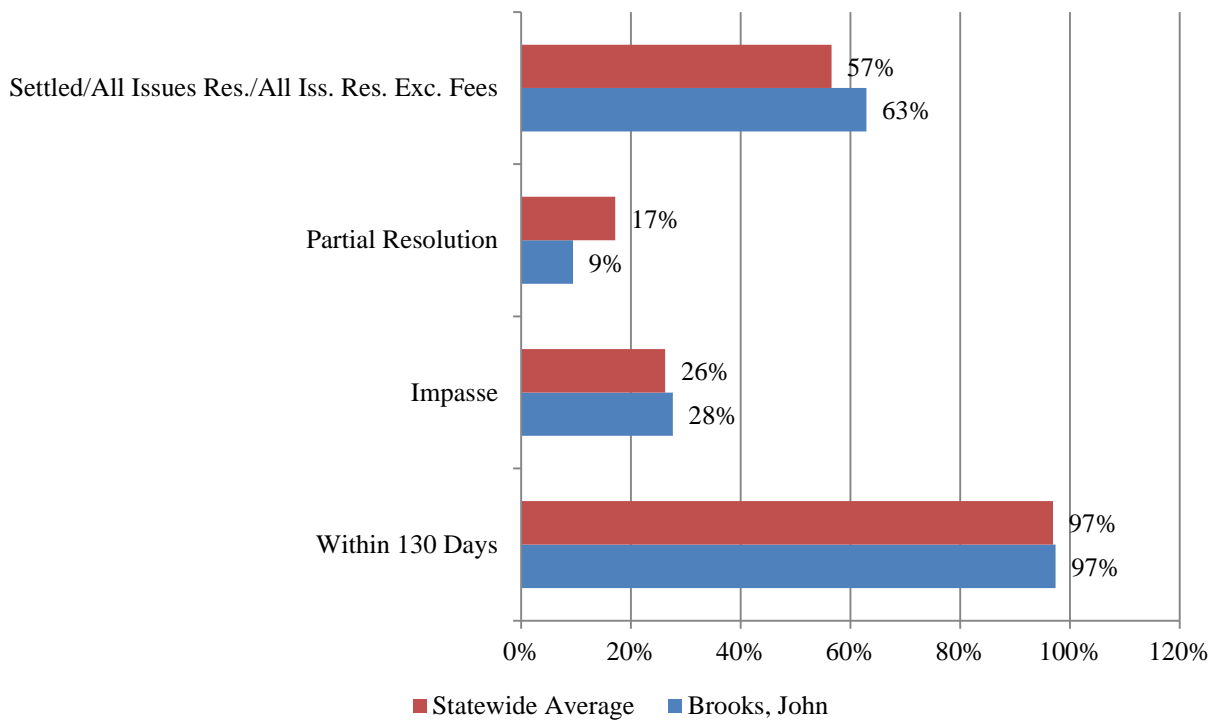
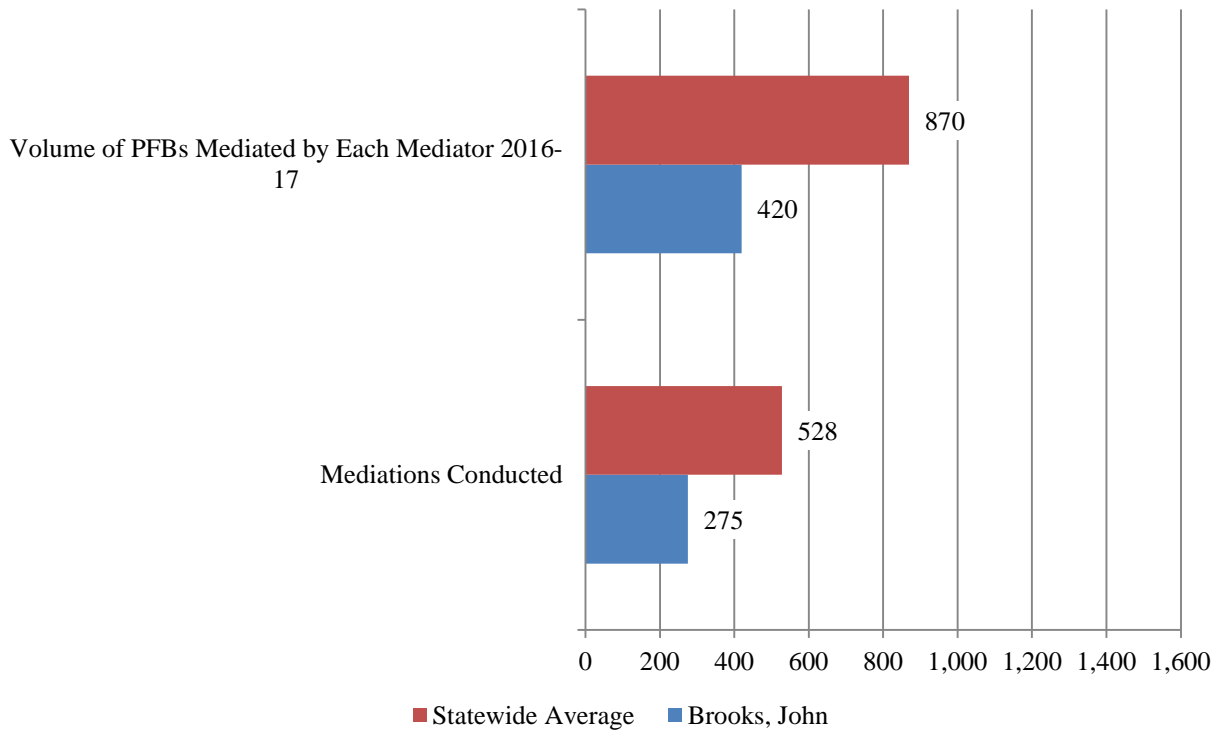


Bredemeyer, Eric (FTM)

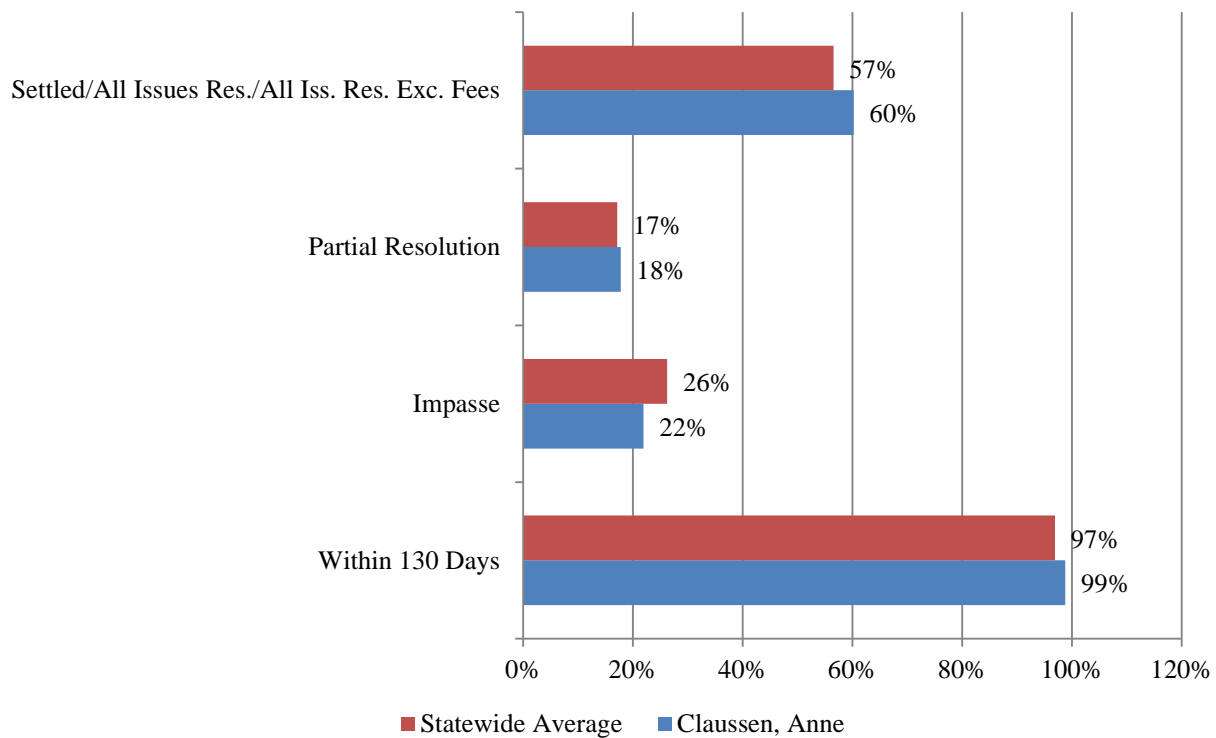
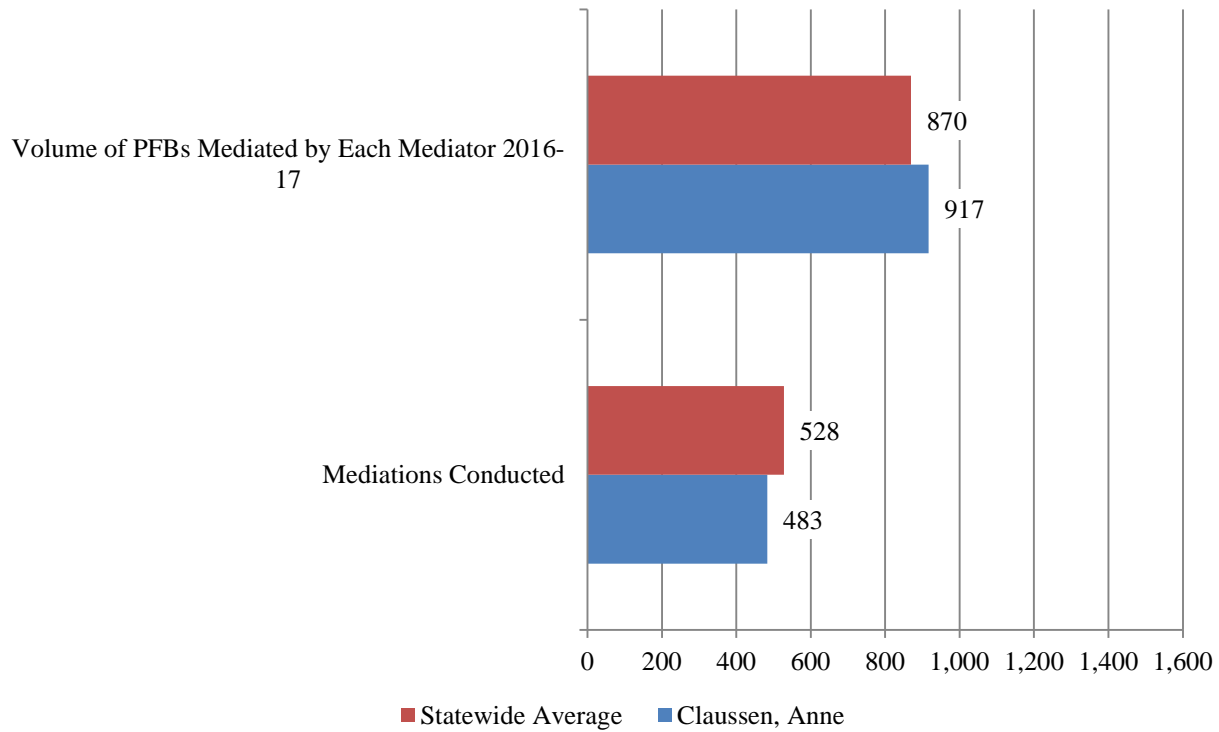


Breslow, Jeffrey (FTL)



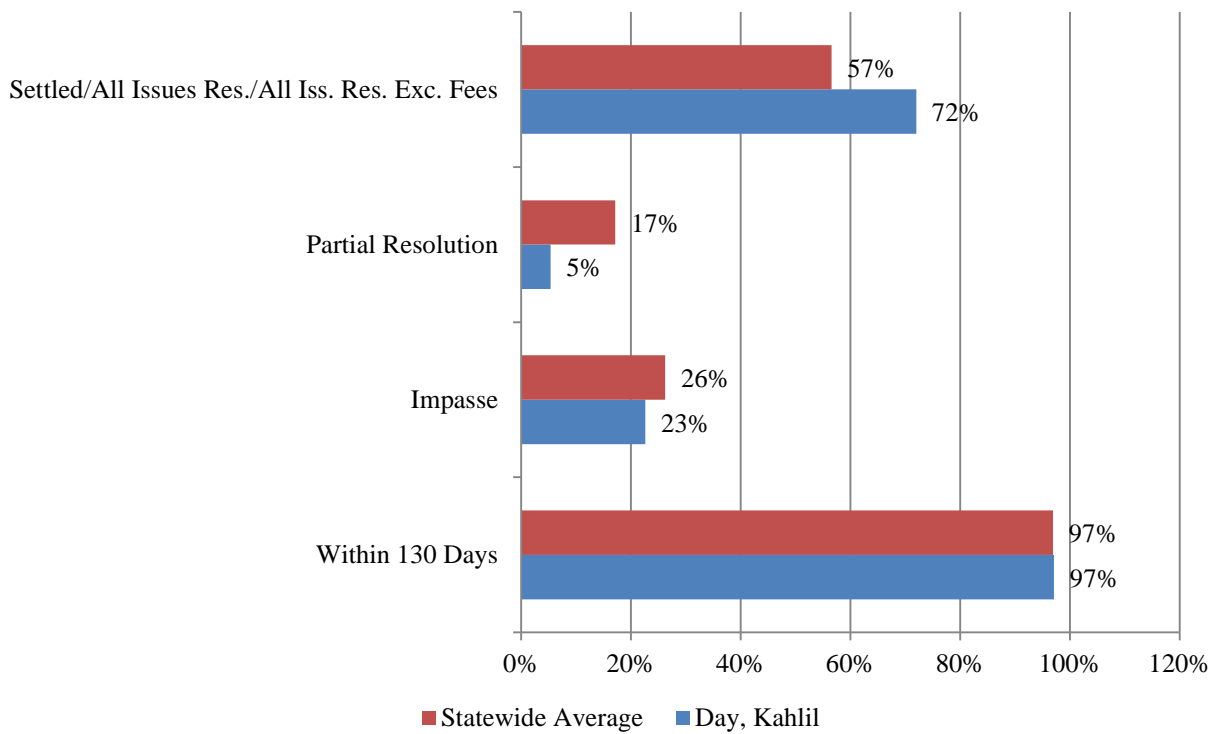
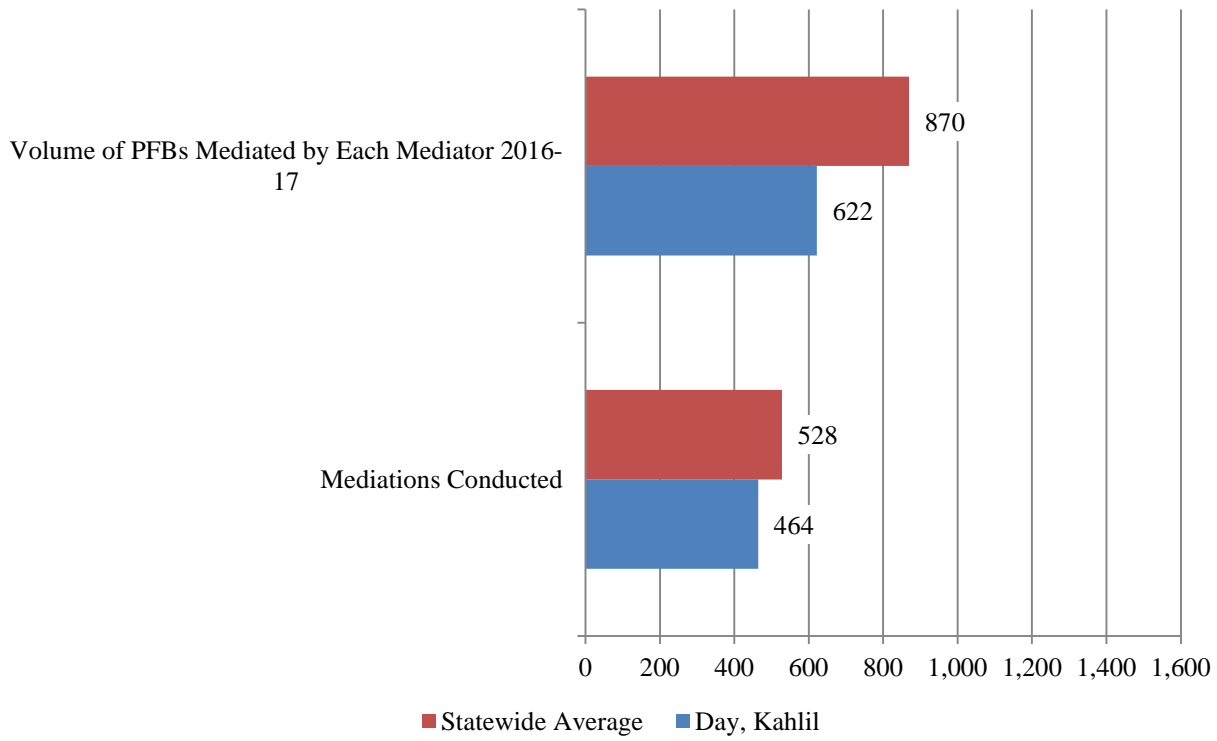


Claussen, Anne (SAR)

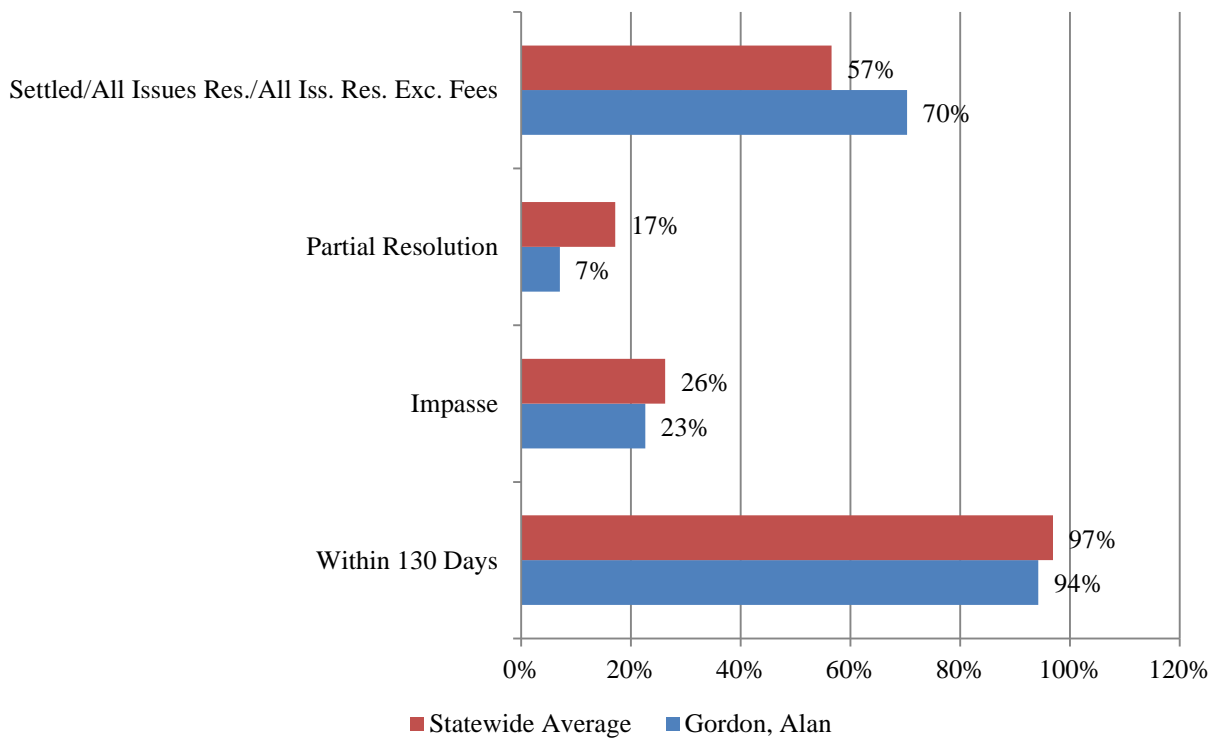
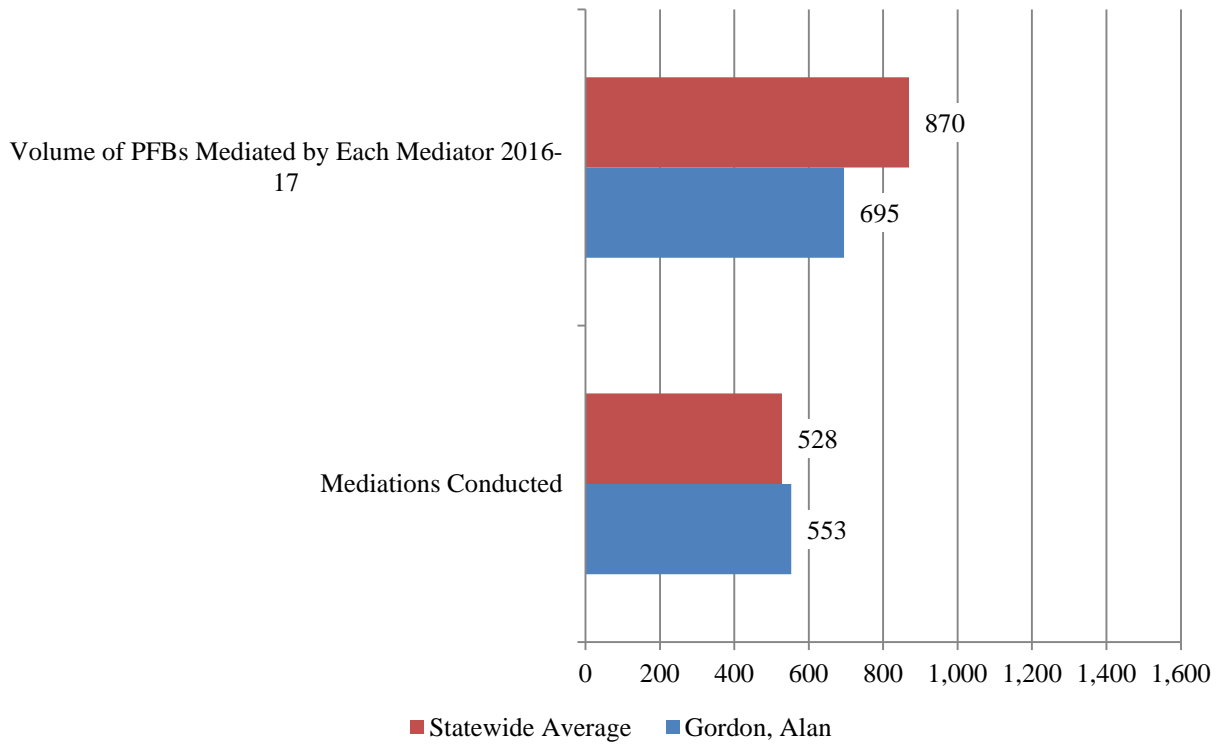


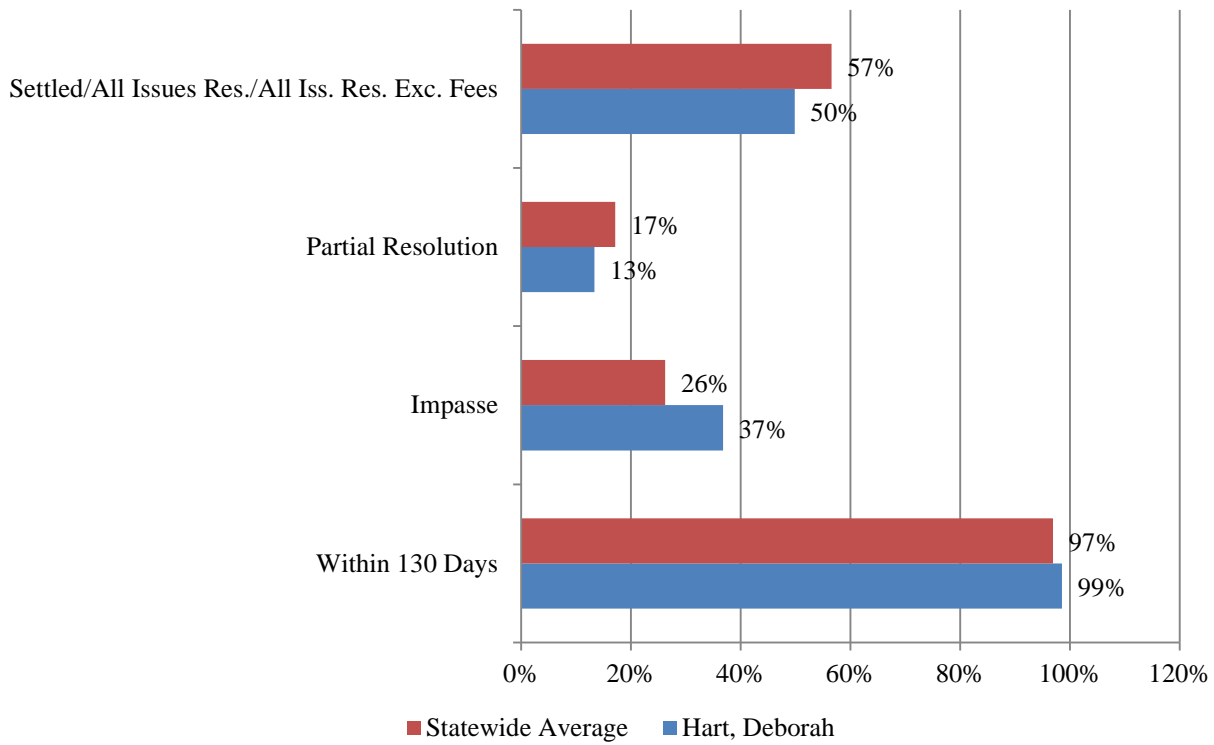
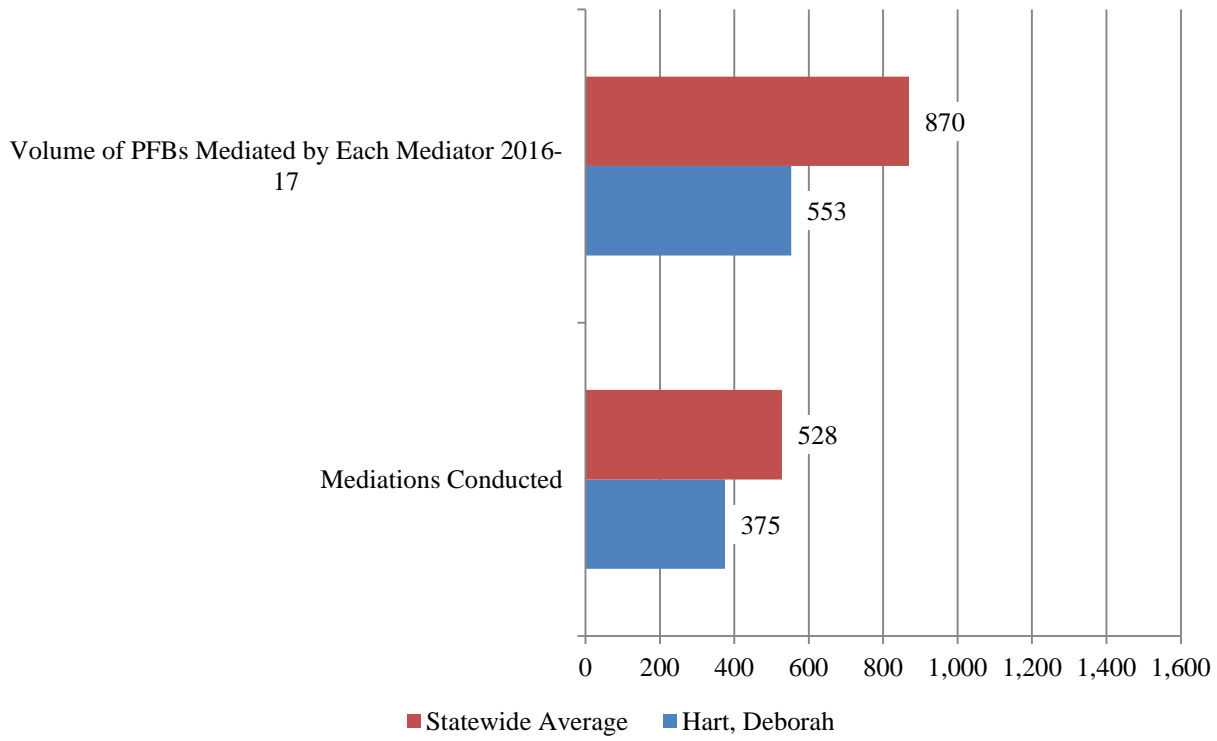


Day, Kahlil (JAX)

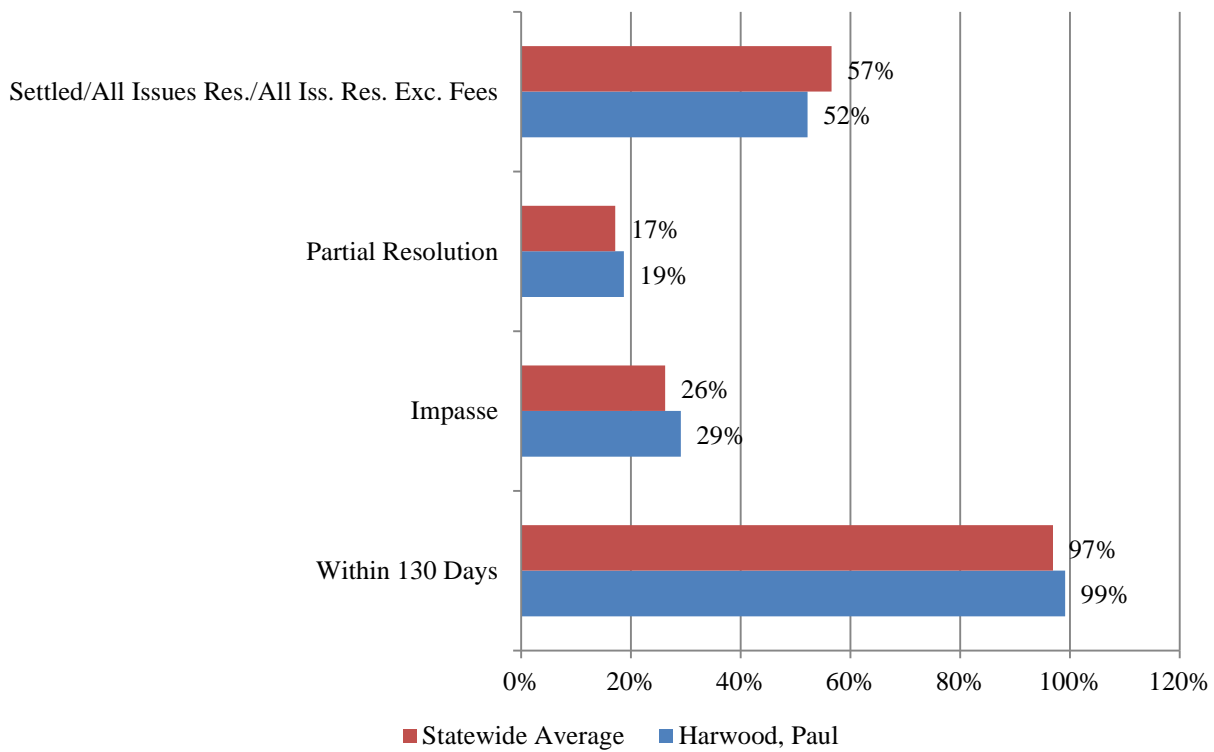
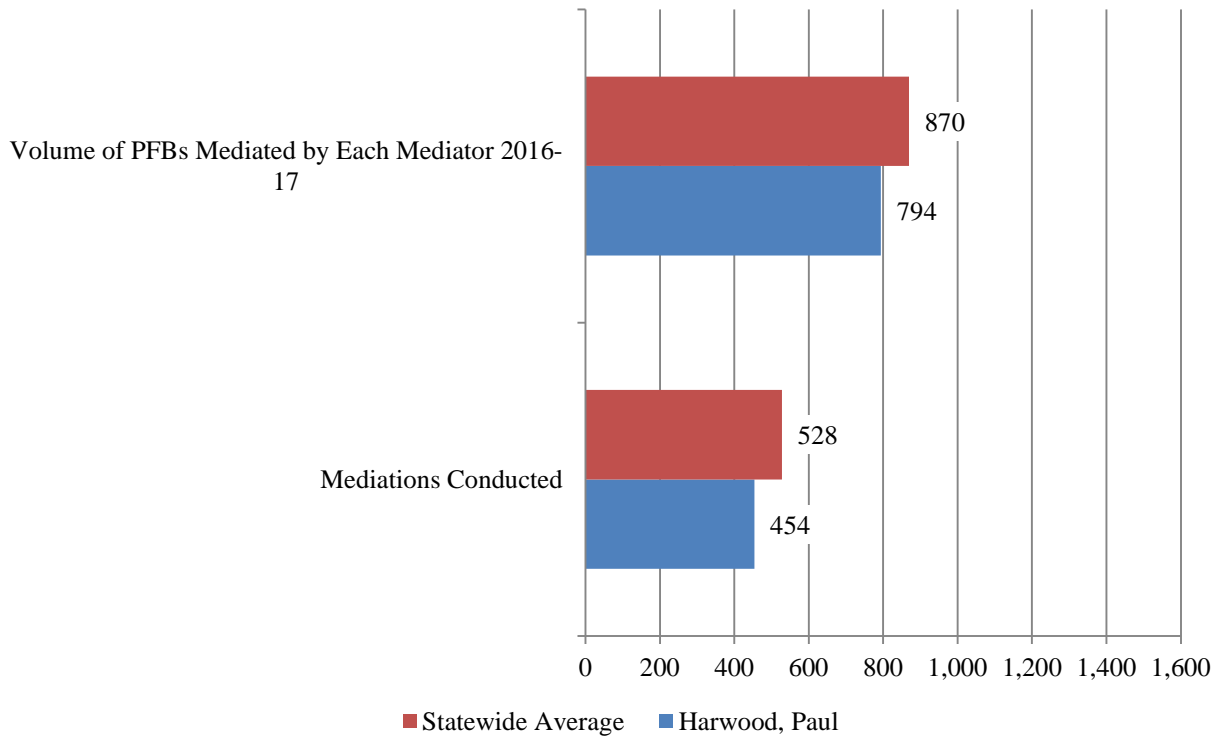


Gordon, Alan (JAX)

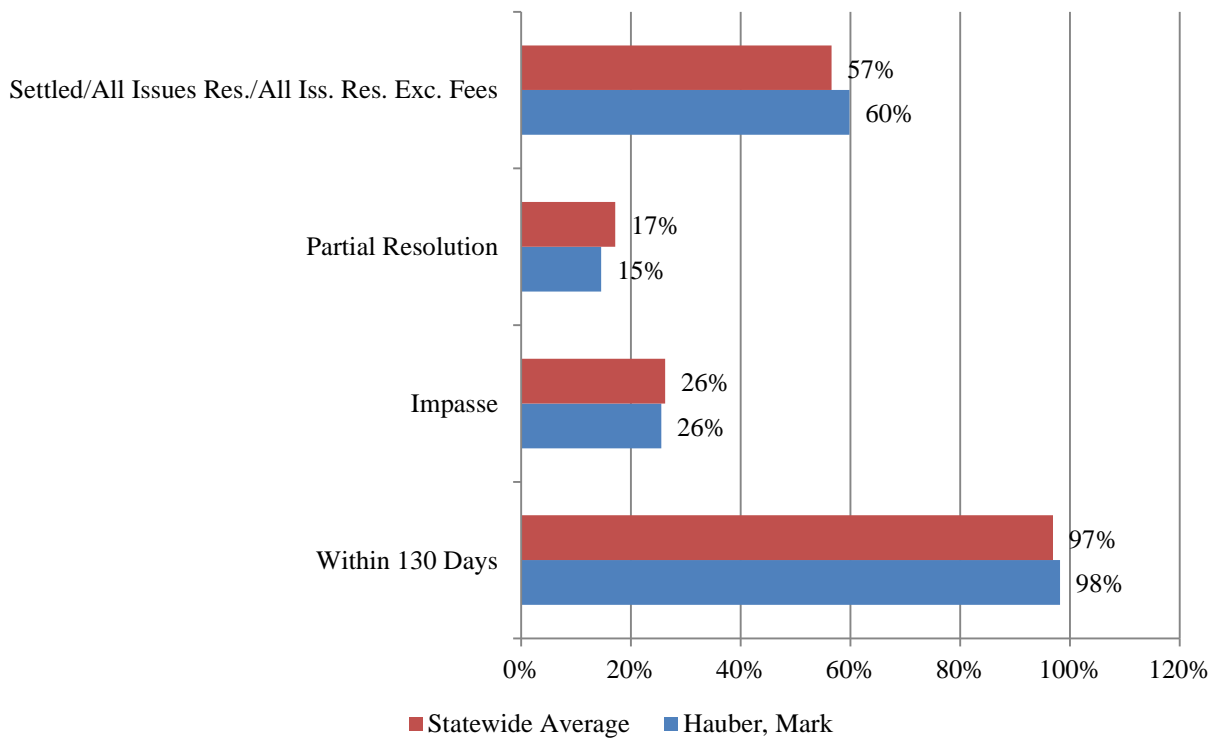
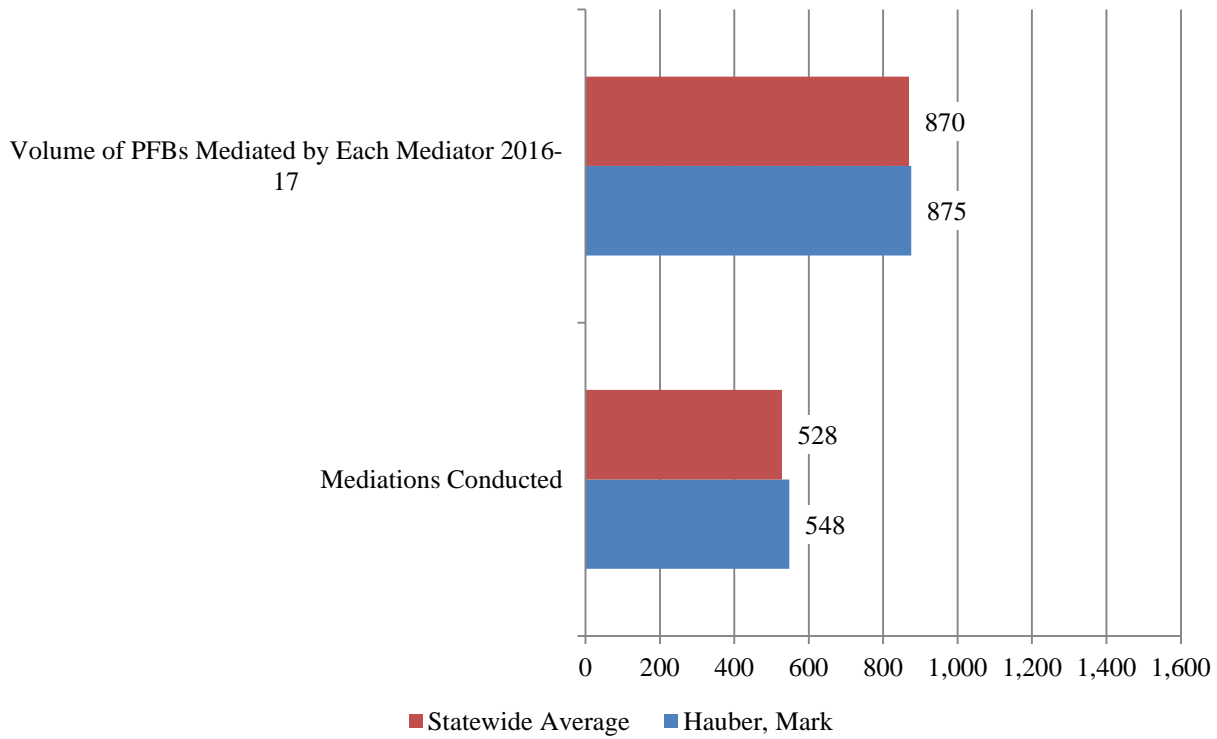




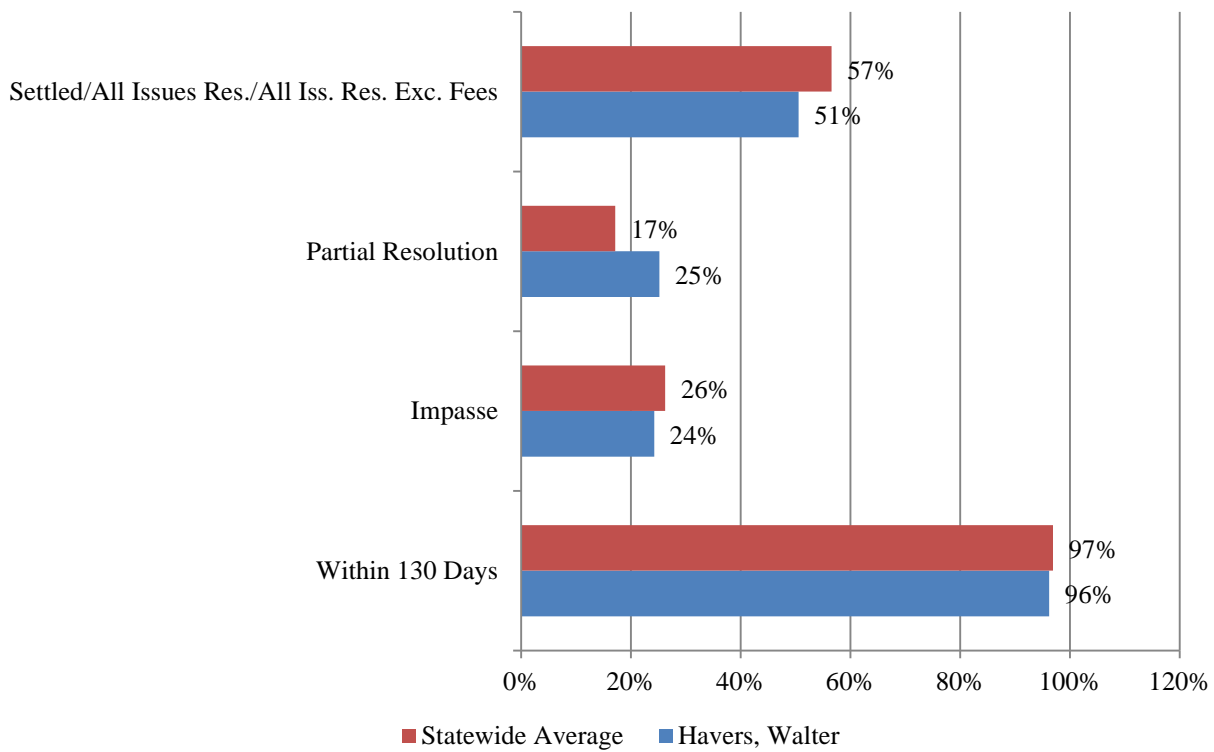
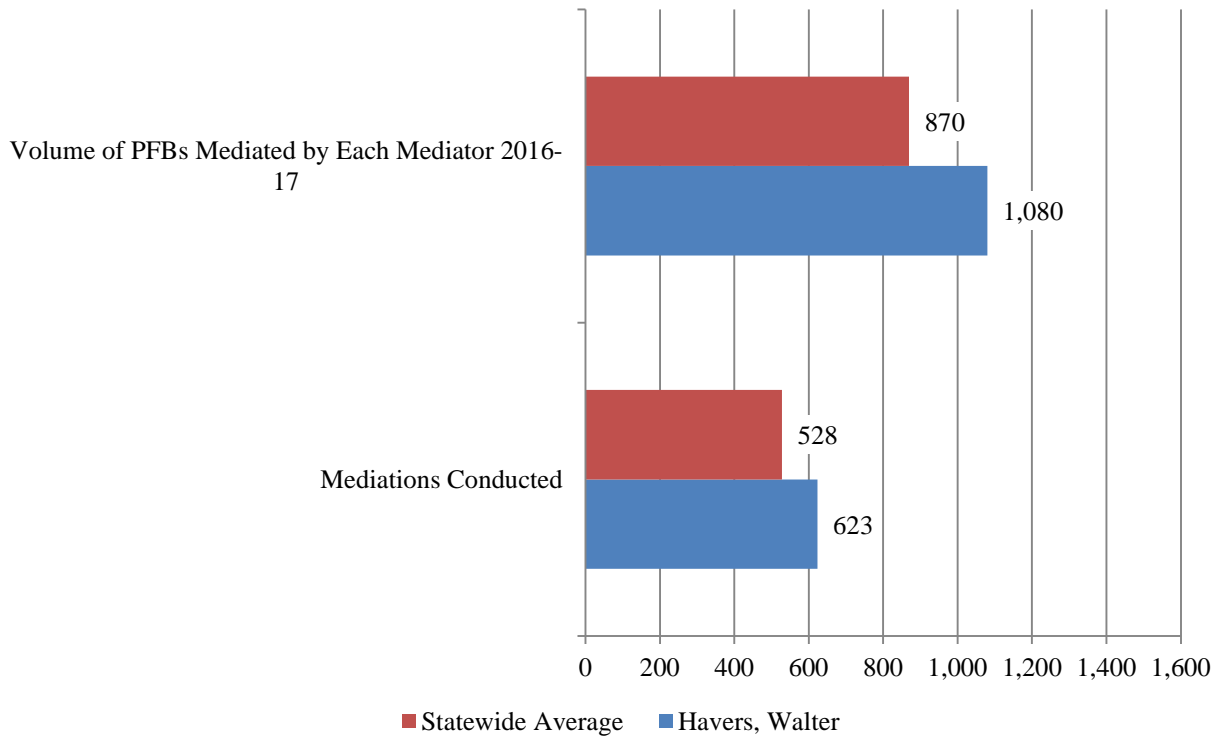
Harwood, Paul (PSL)



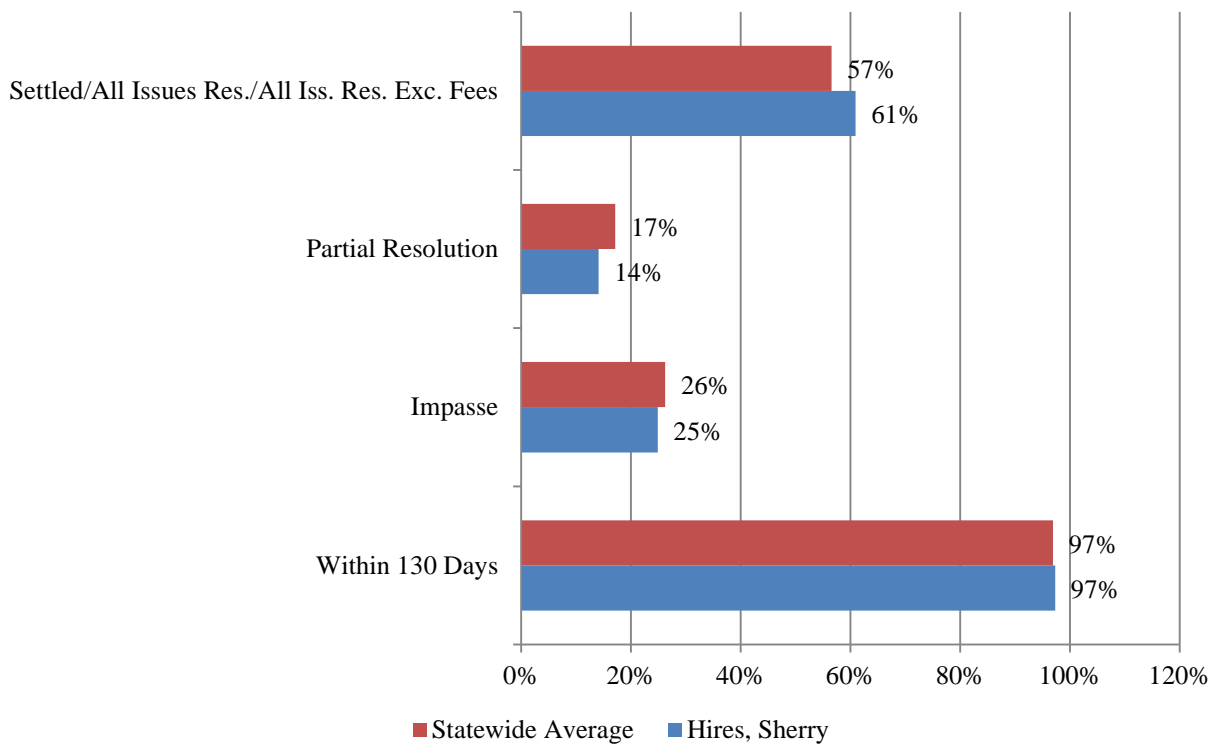
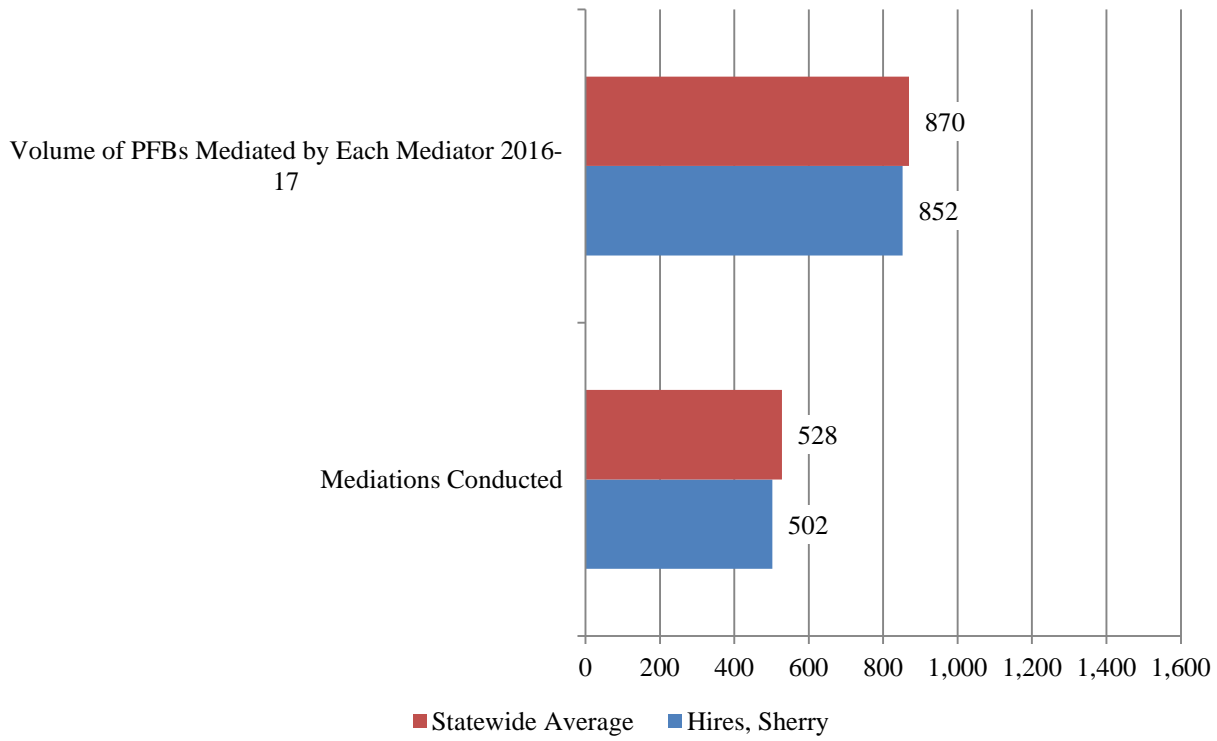
Hauber, Mark (MEL)

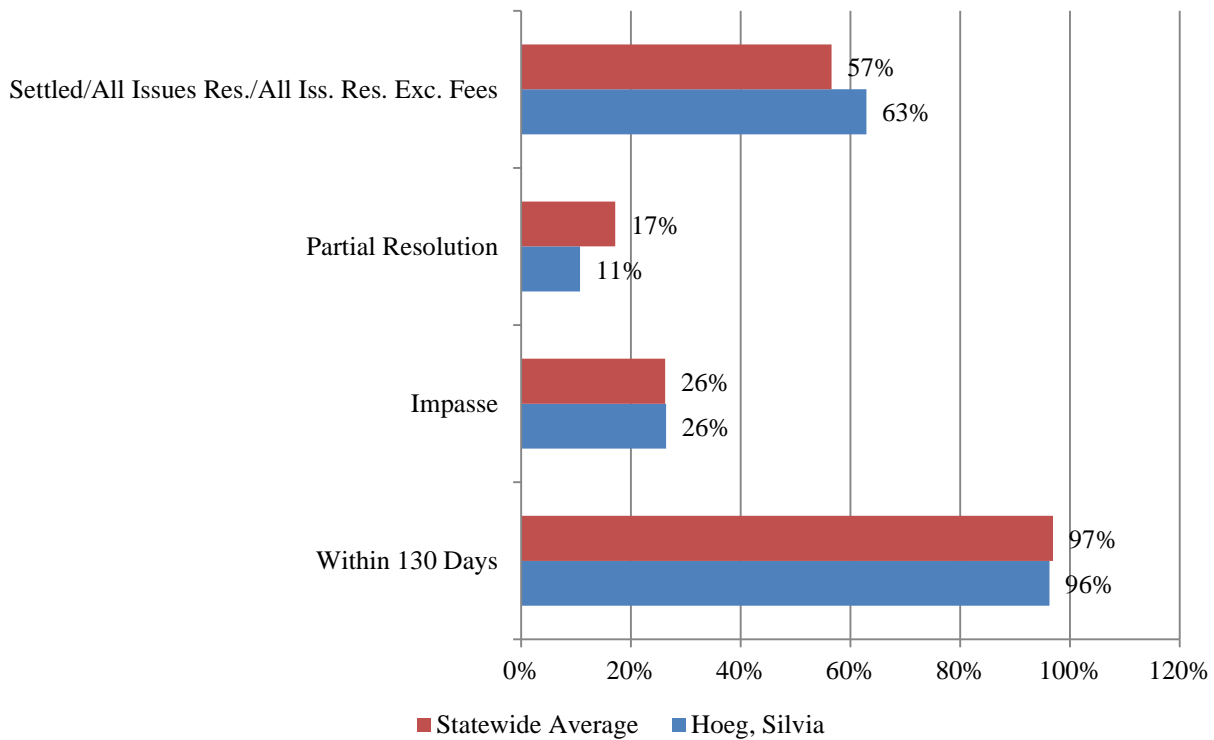
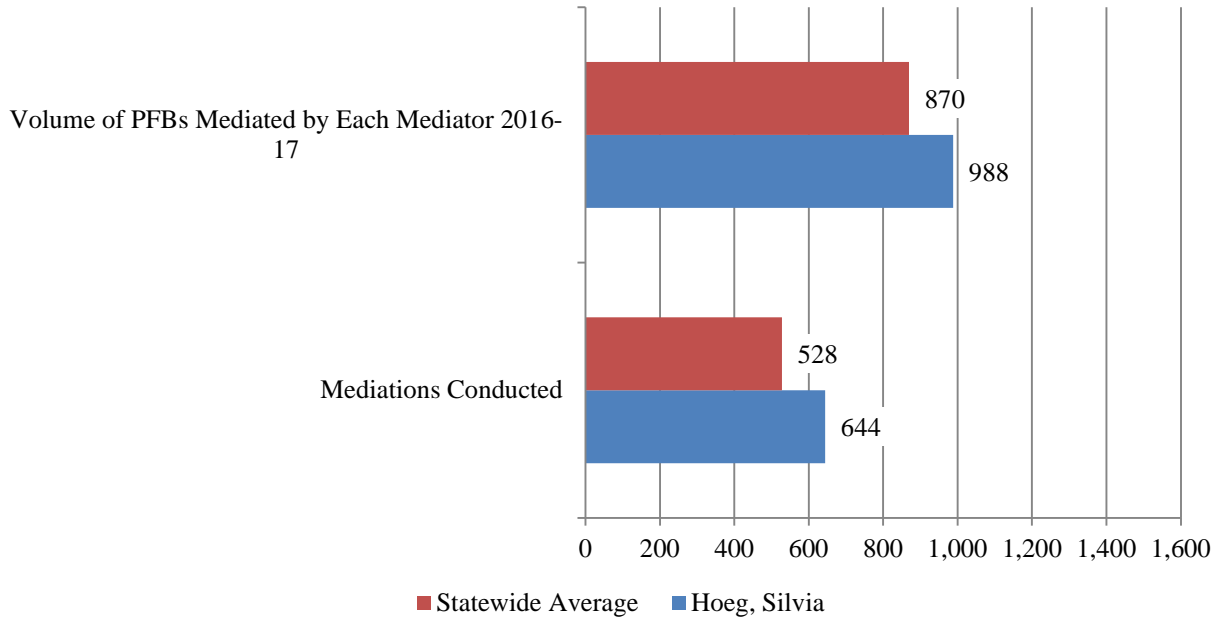


Havers, Walter (MIA)



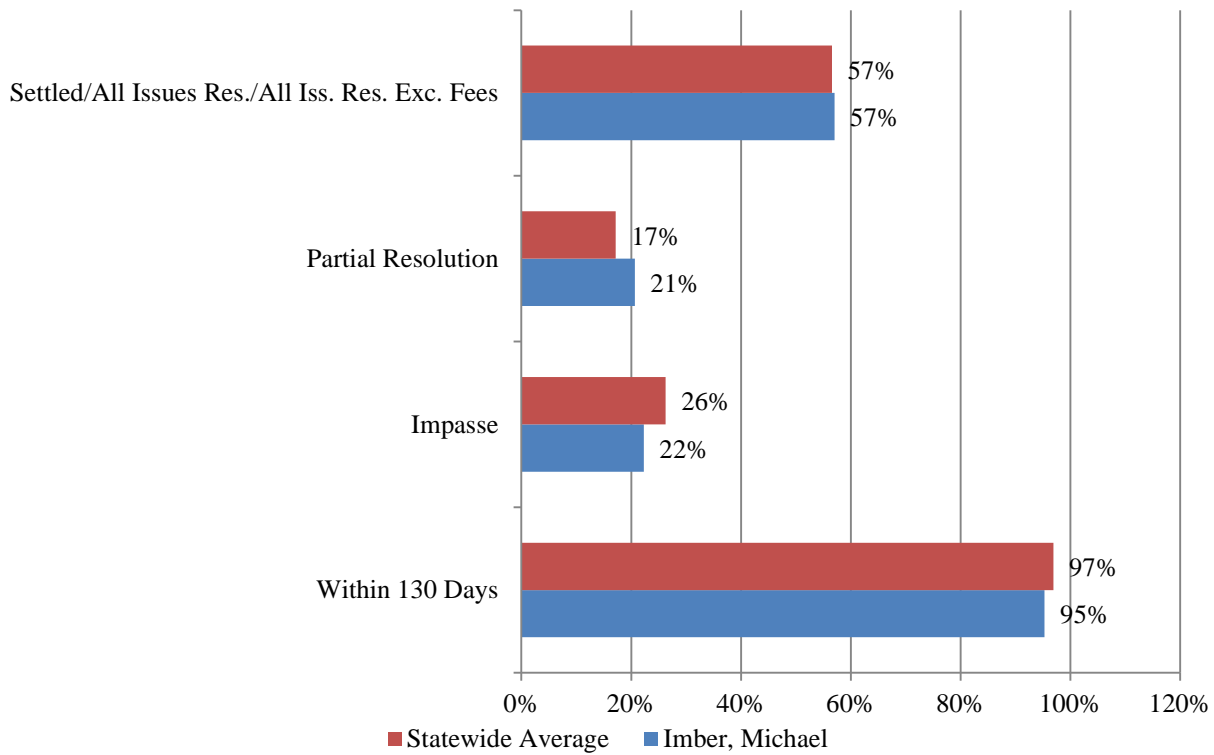
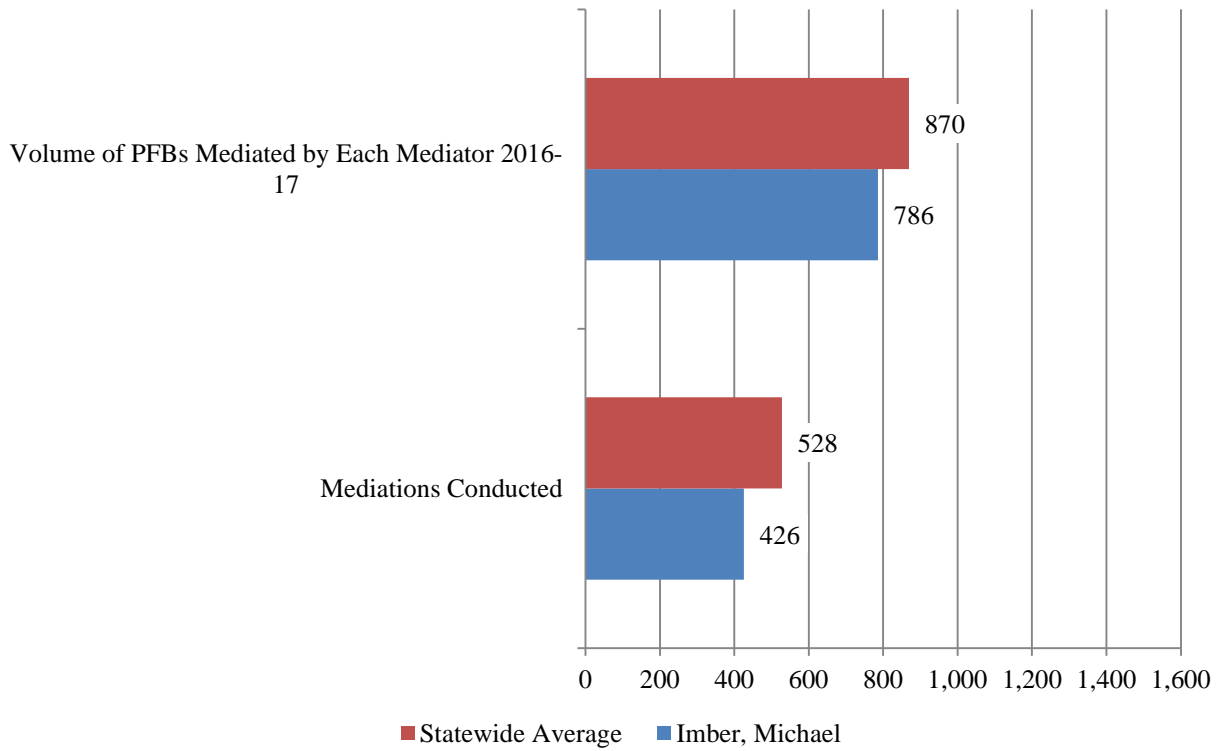
Hires, Sherry (ORL)

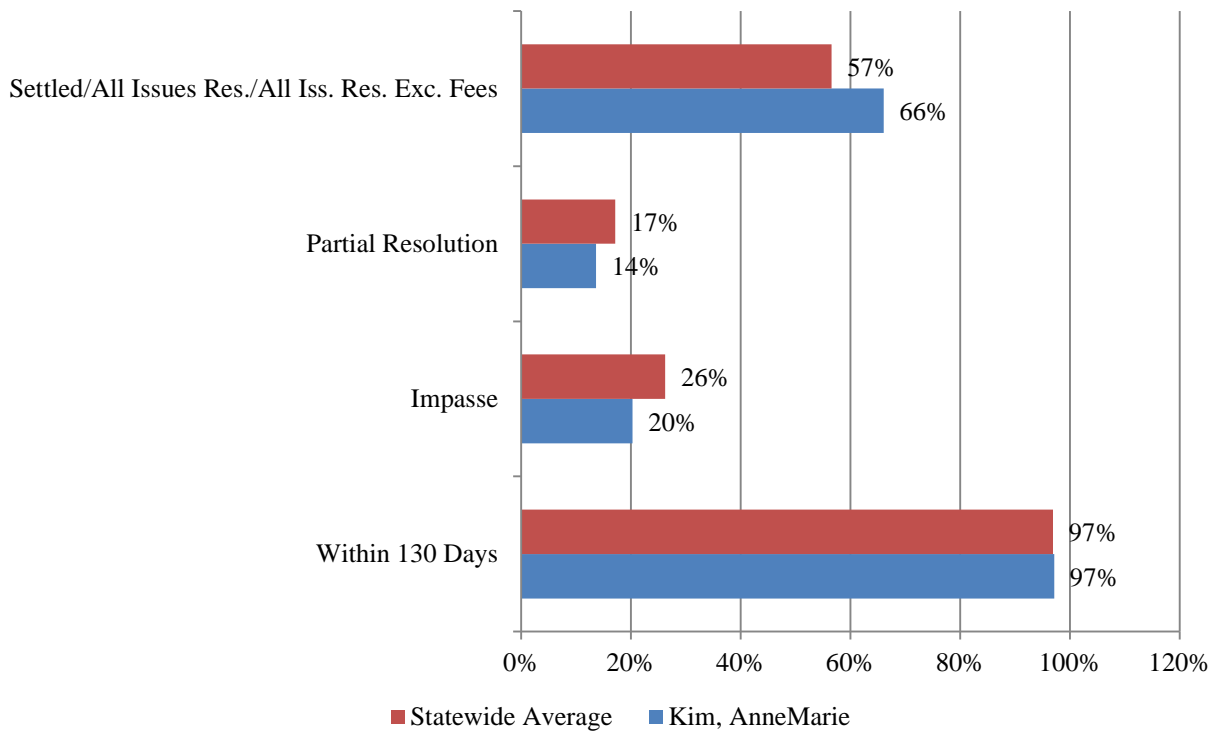
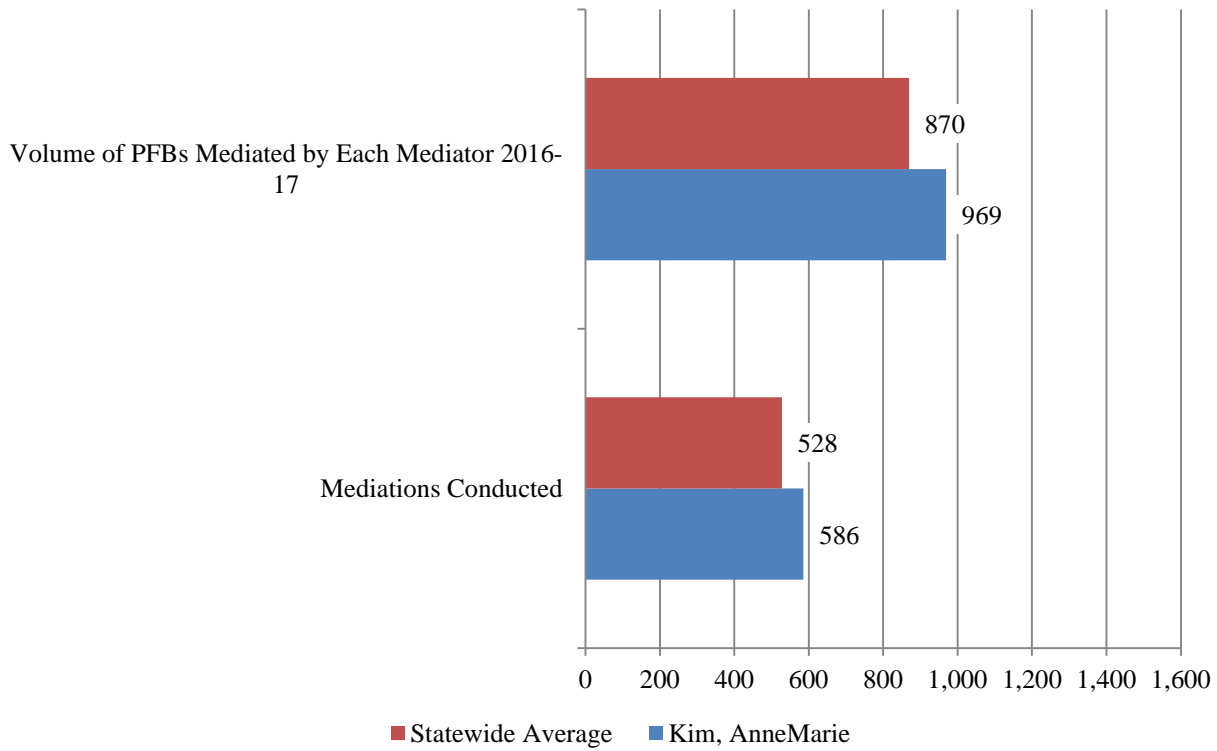




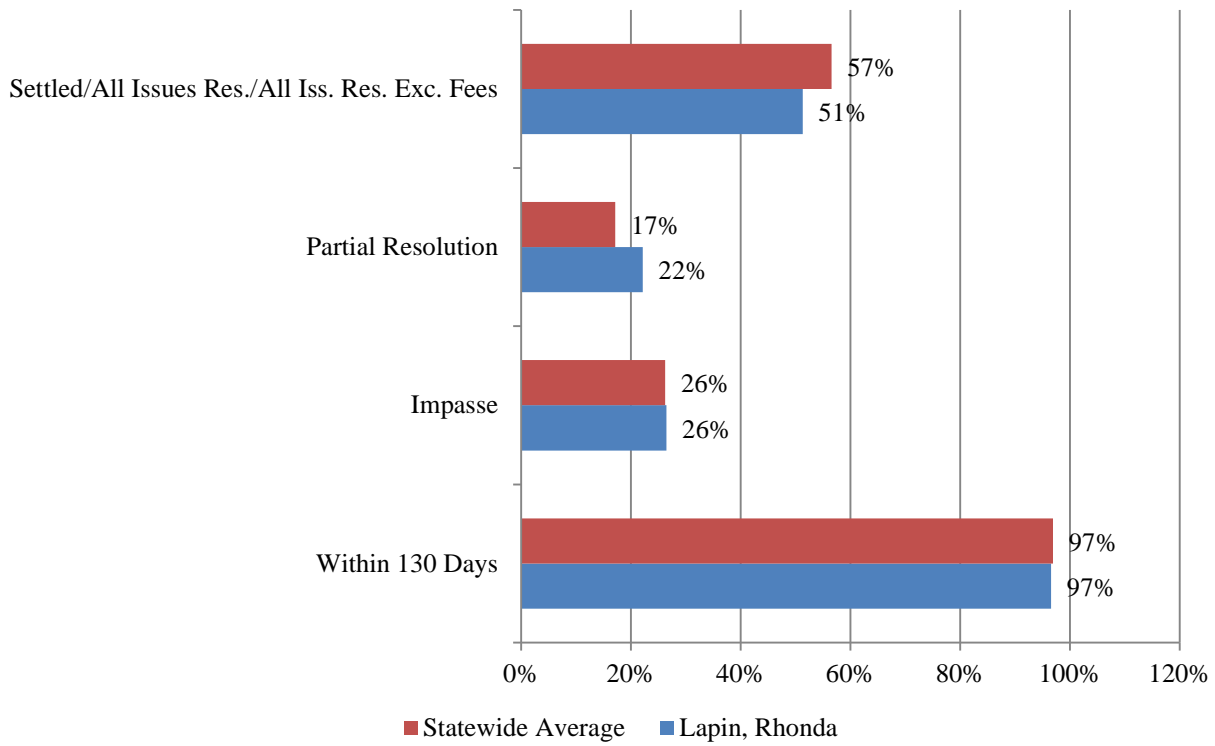
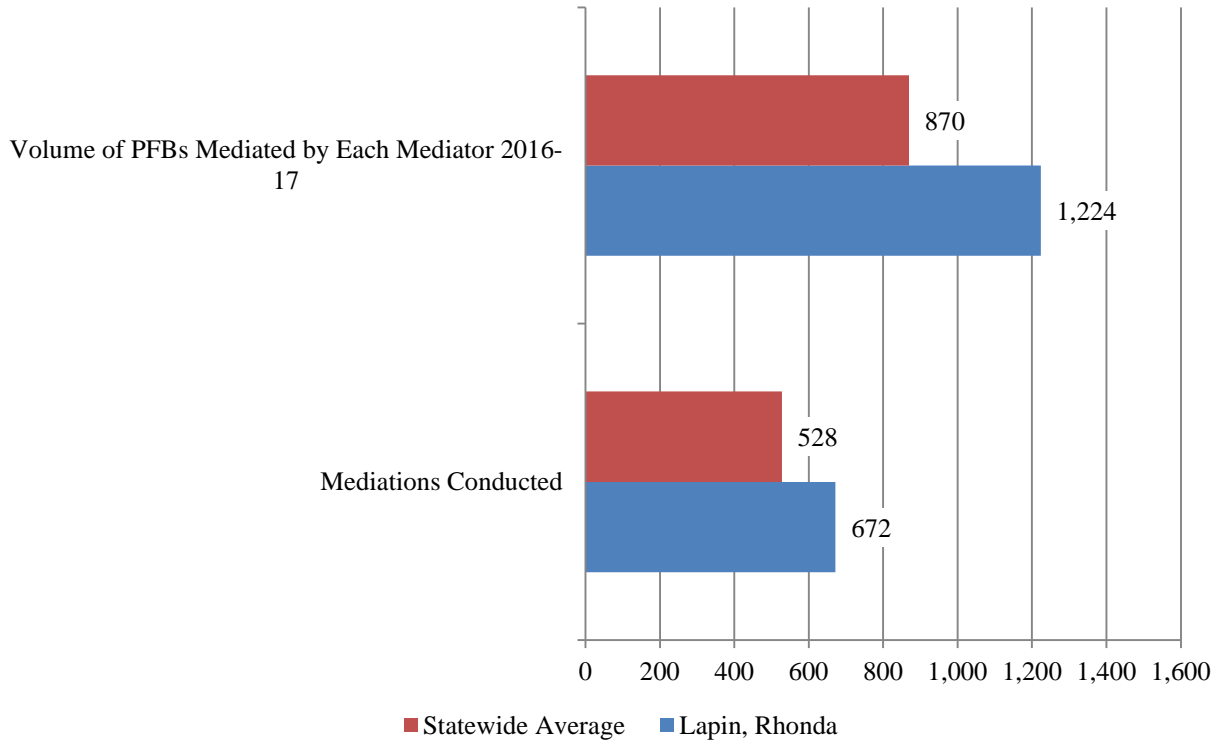


Imber, Michael (WPB)

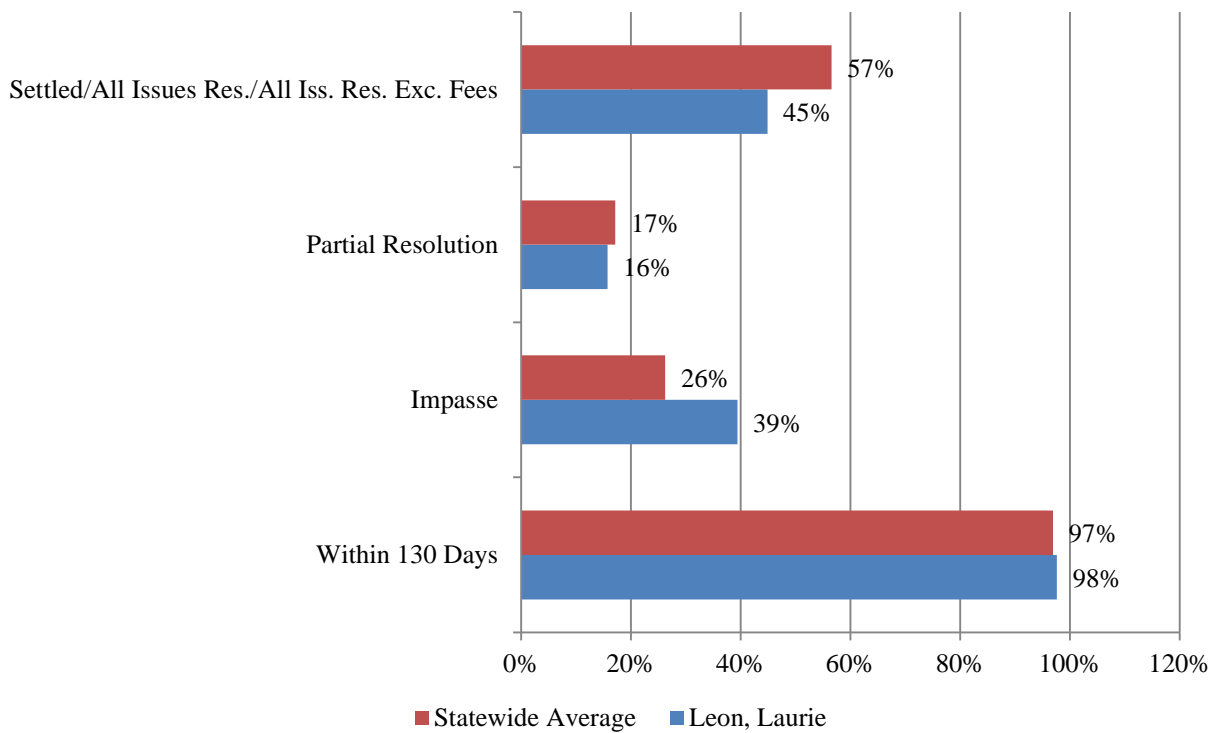
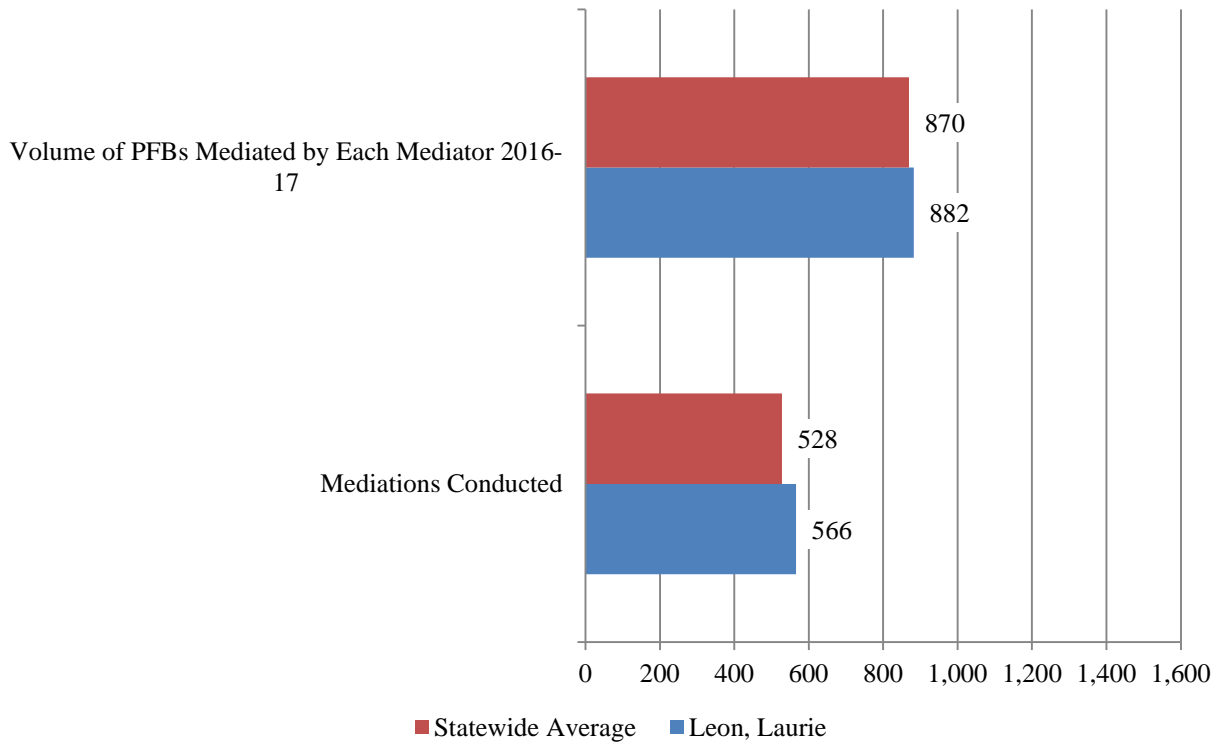




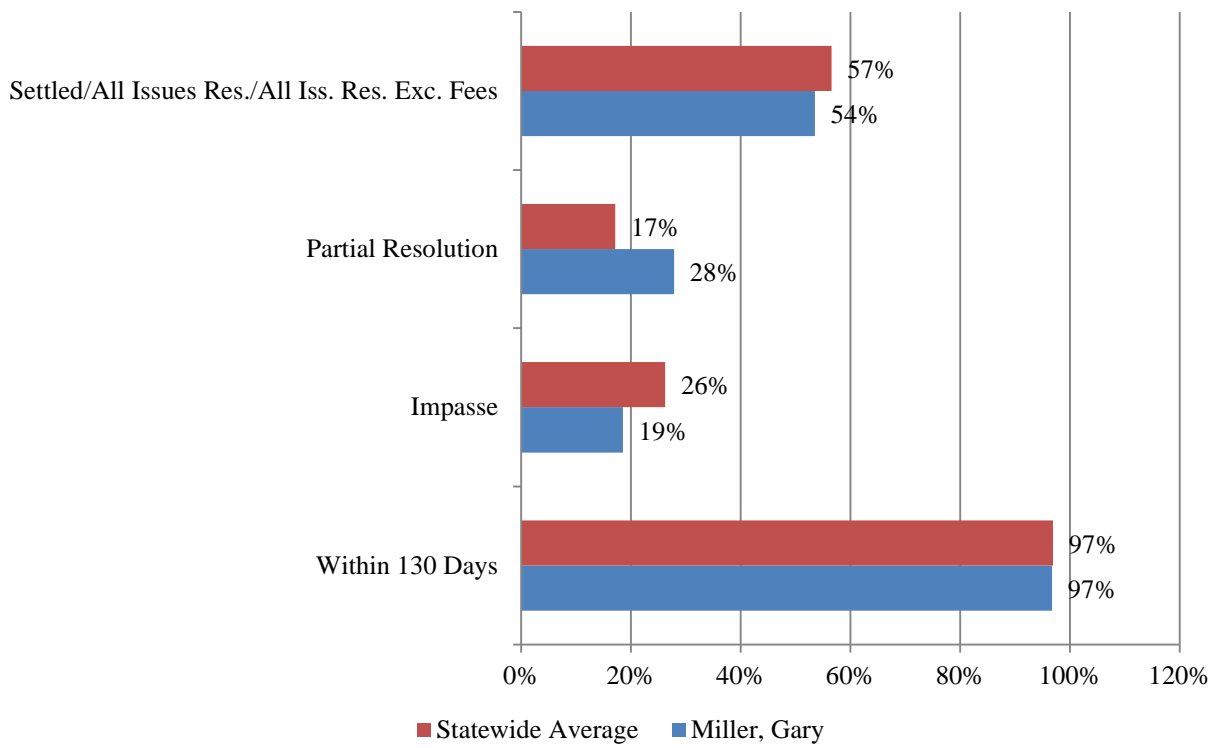
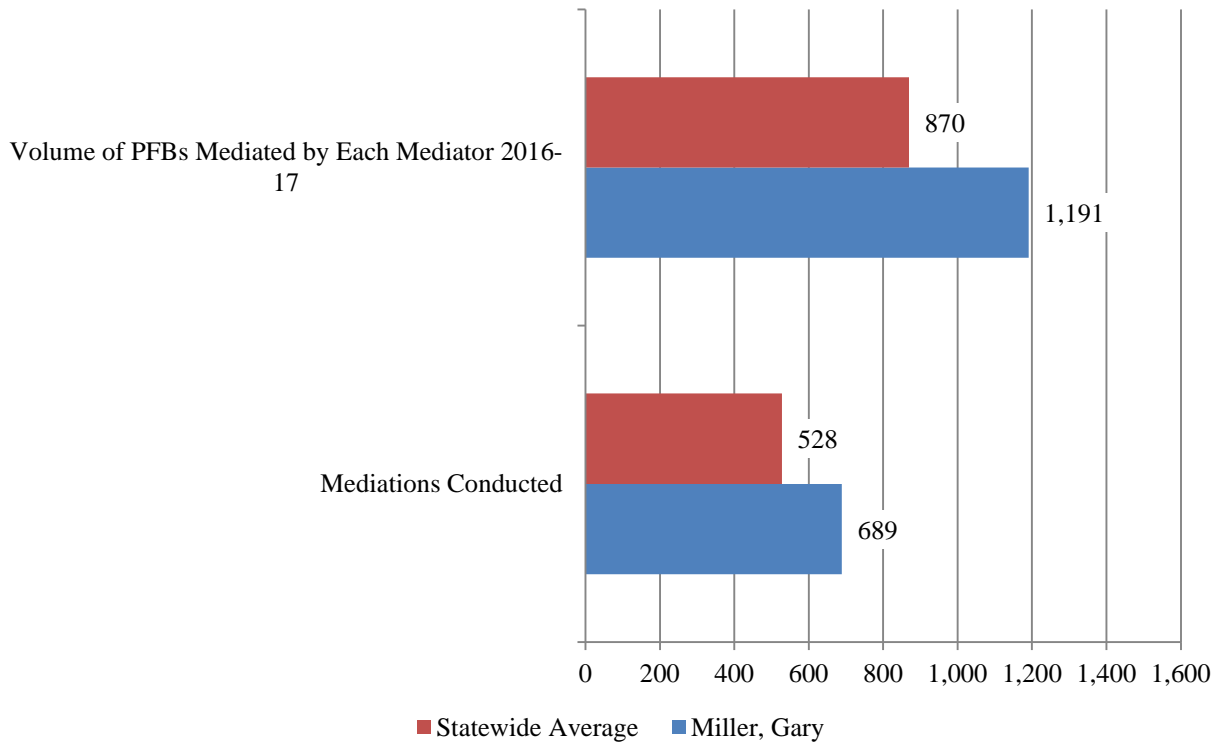
Lapin, Rhonda (MIA)



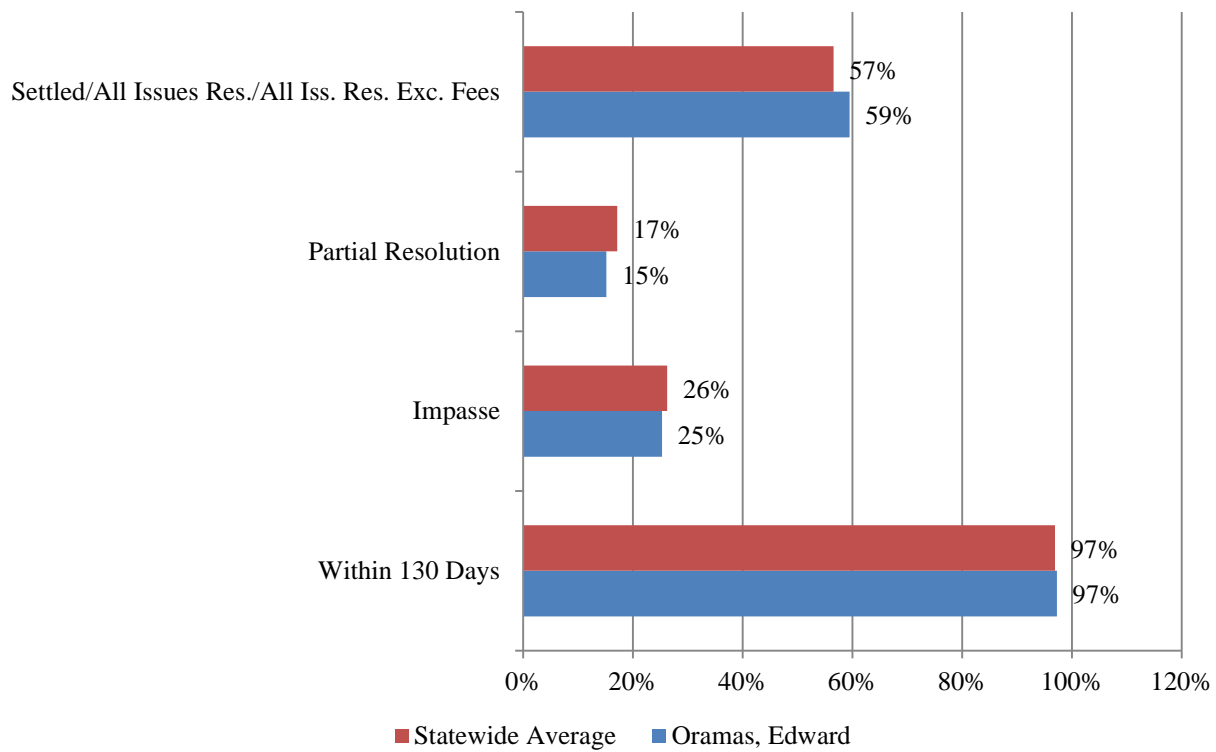
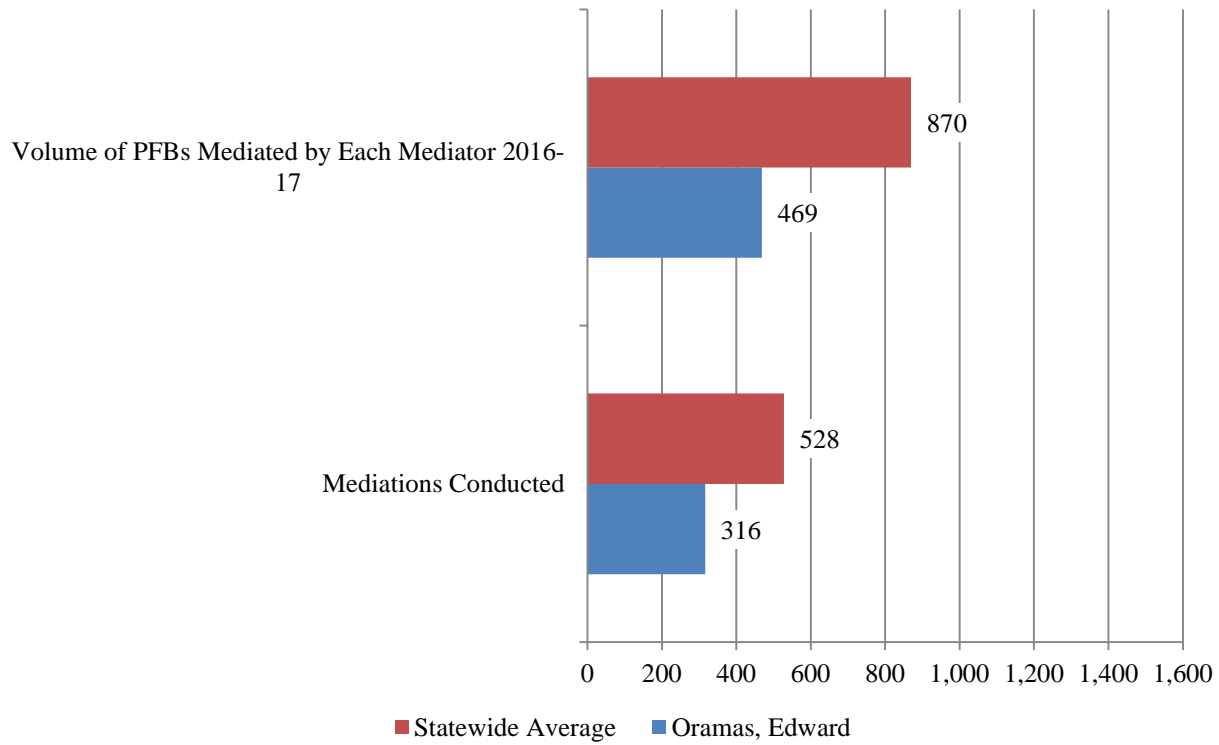
Leon, Laurie (TPA)



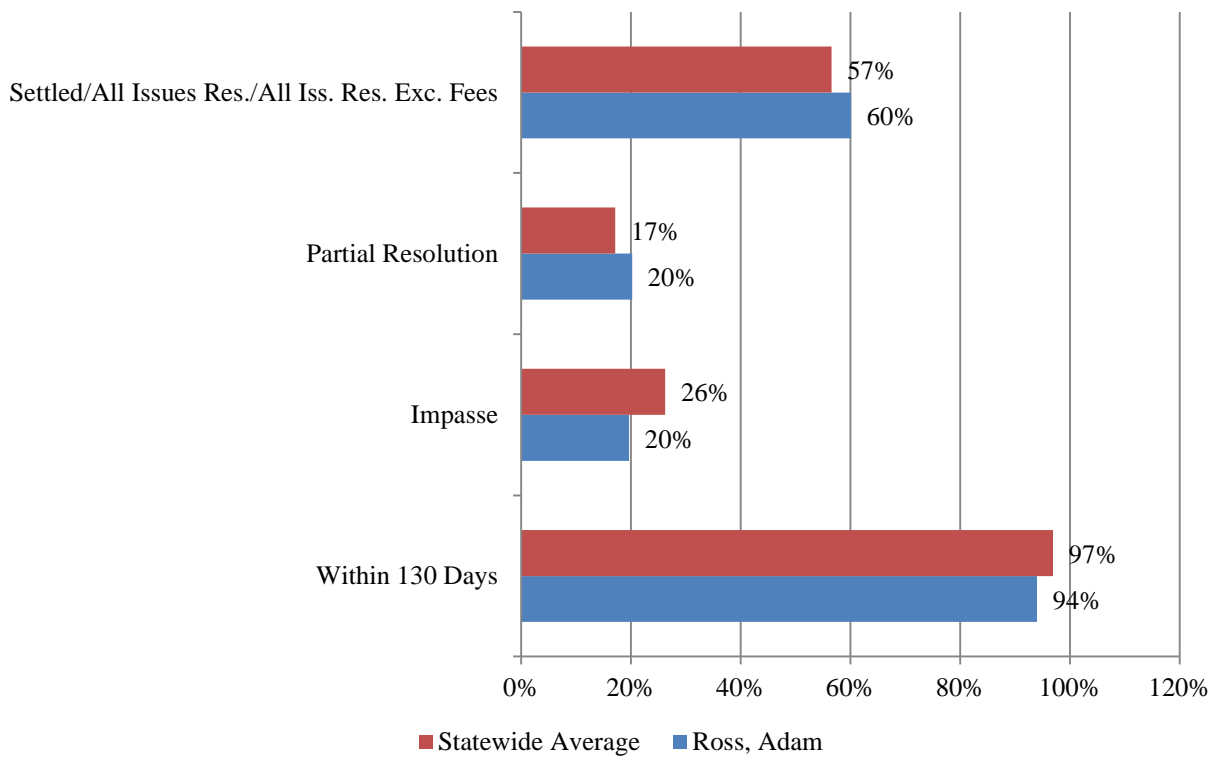
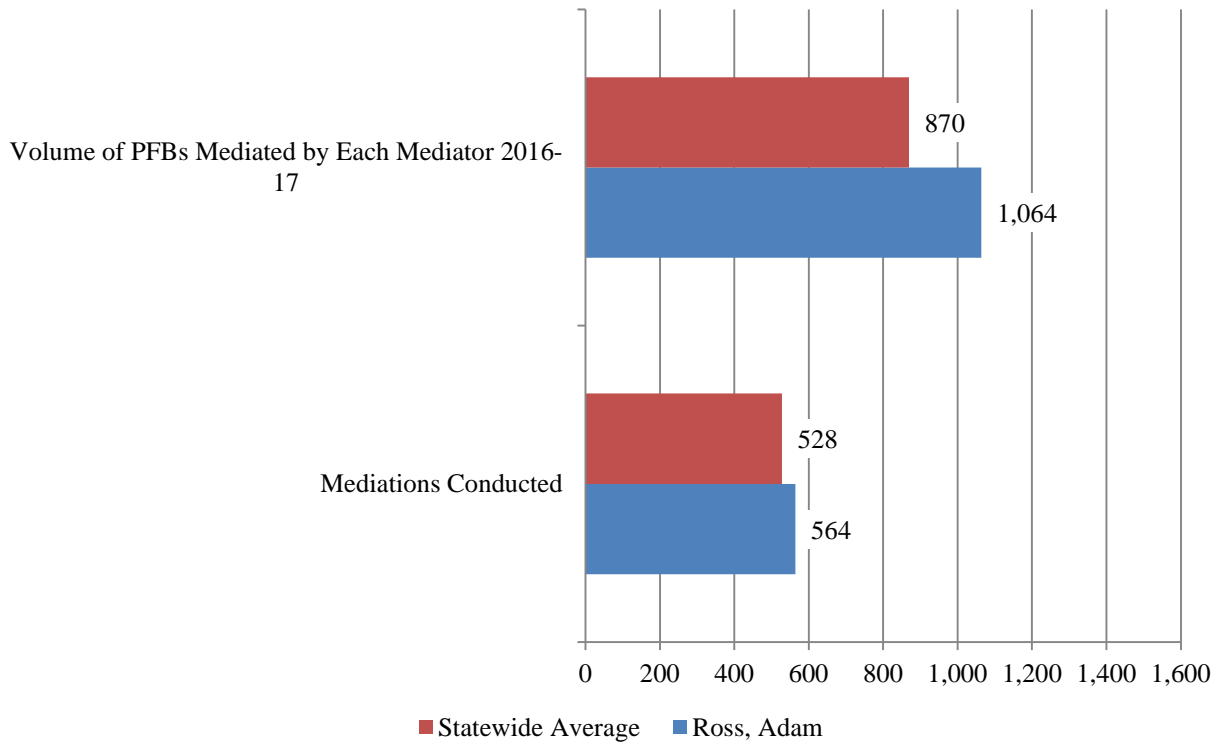
Miller, Gary (MIA)



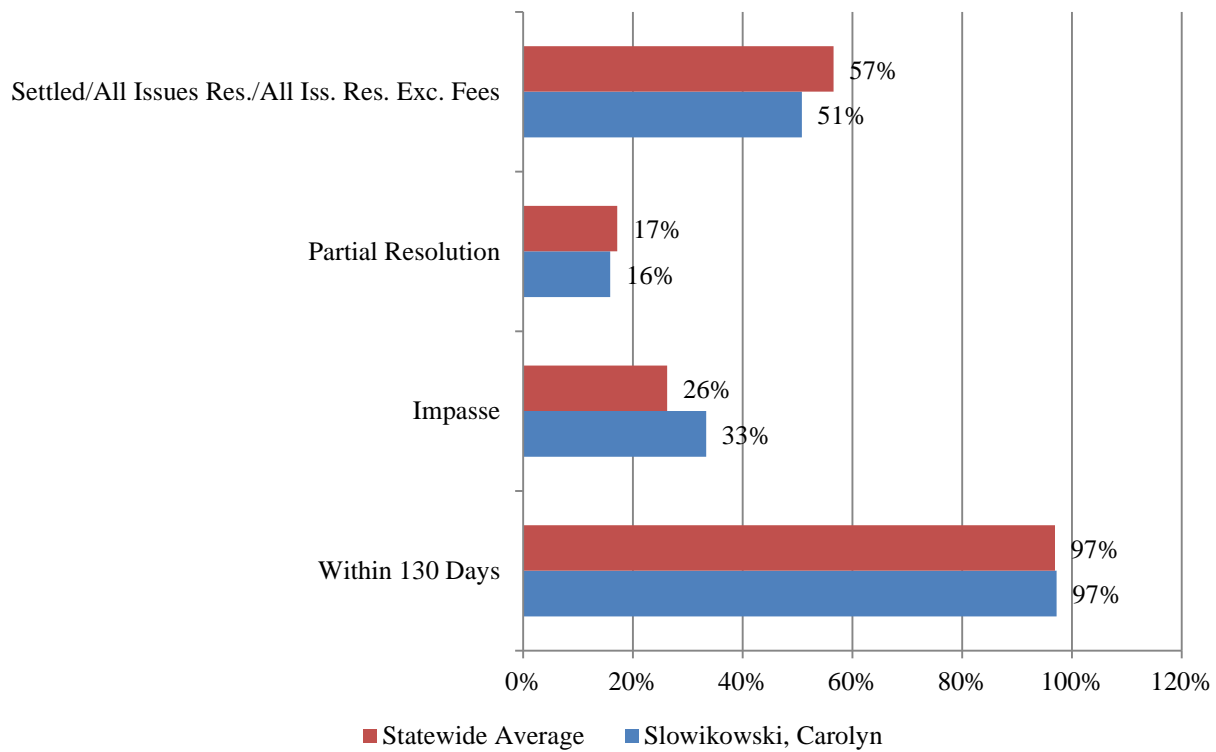
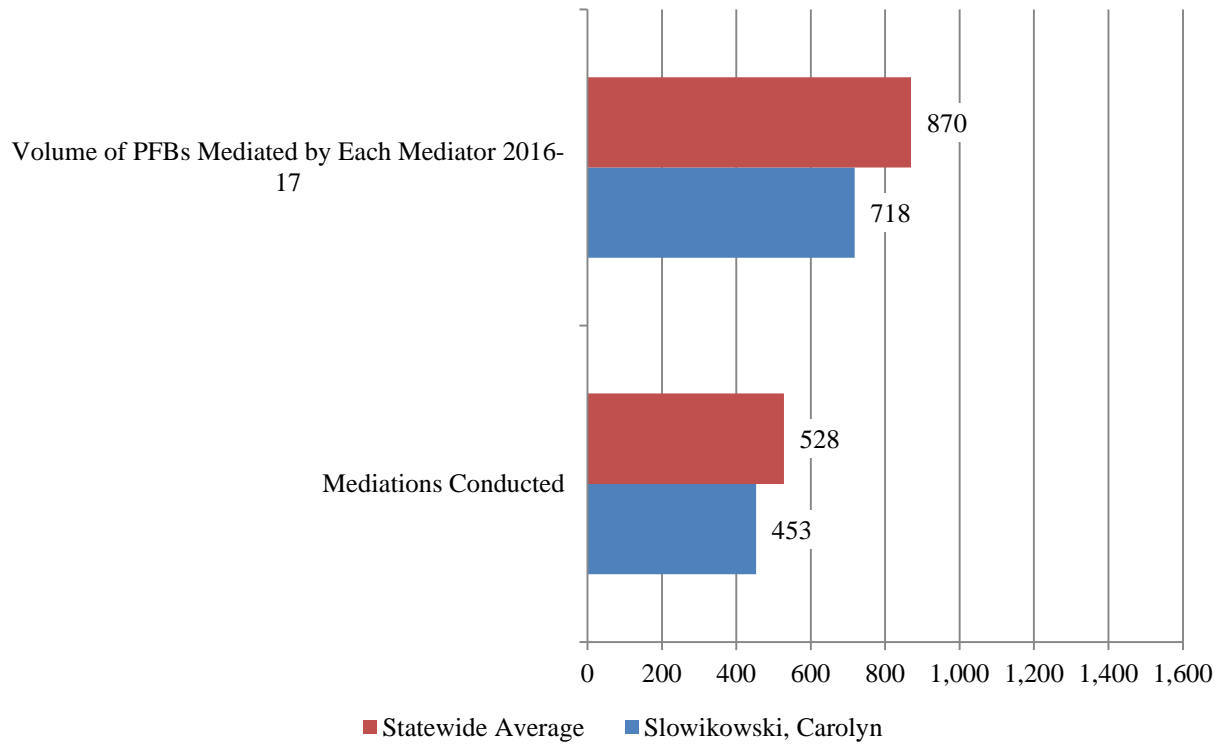
Oramas, Edward (PMC)



Ross, Adam (FTL)

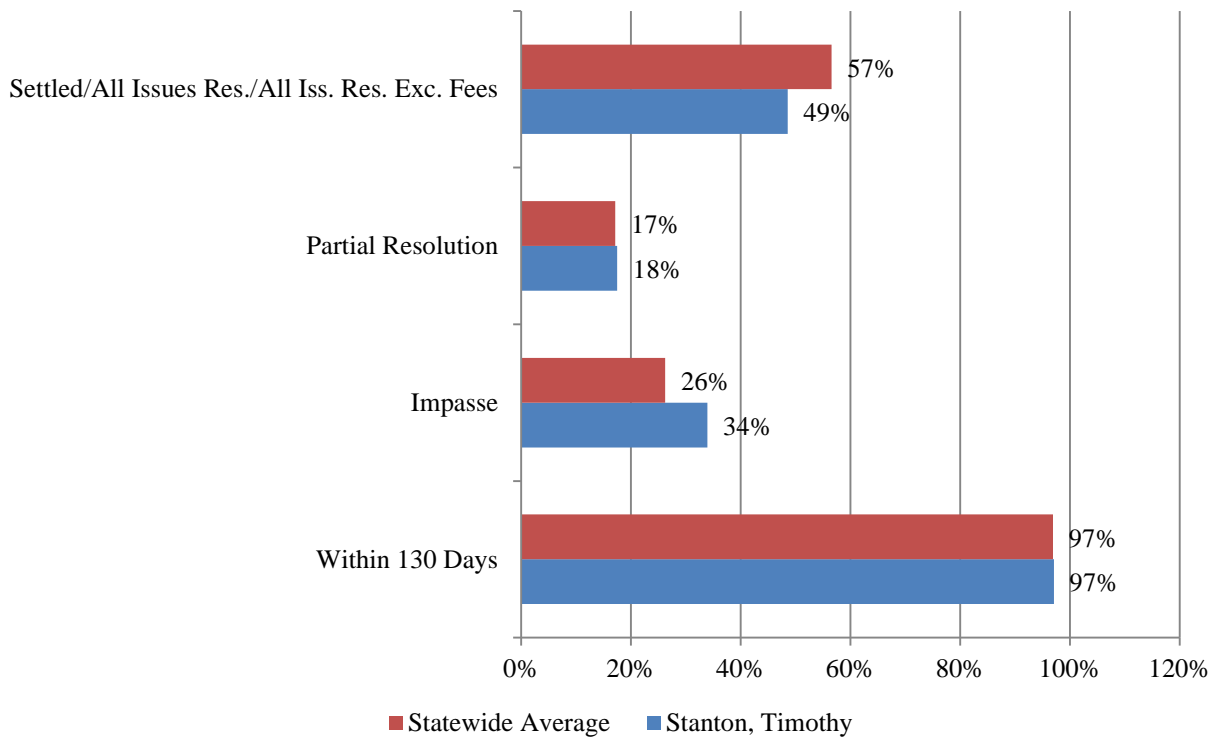
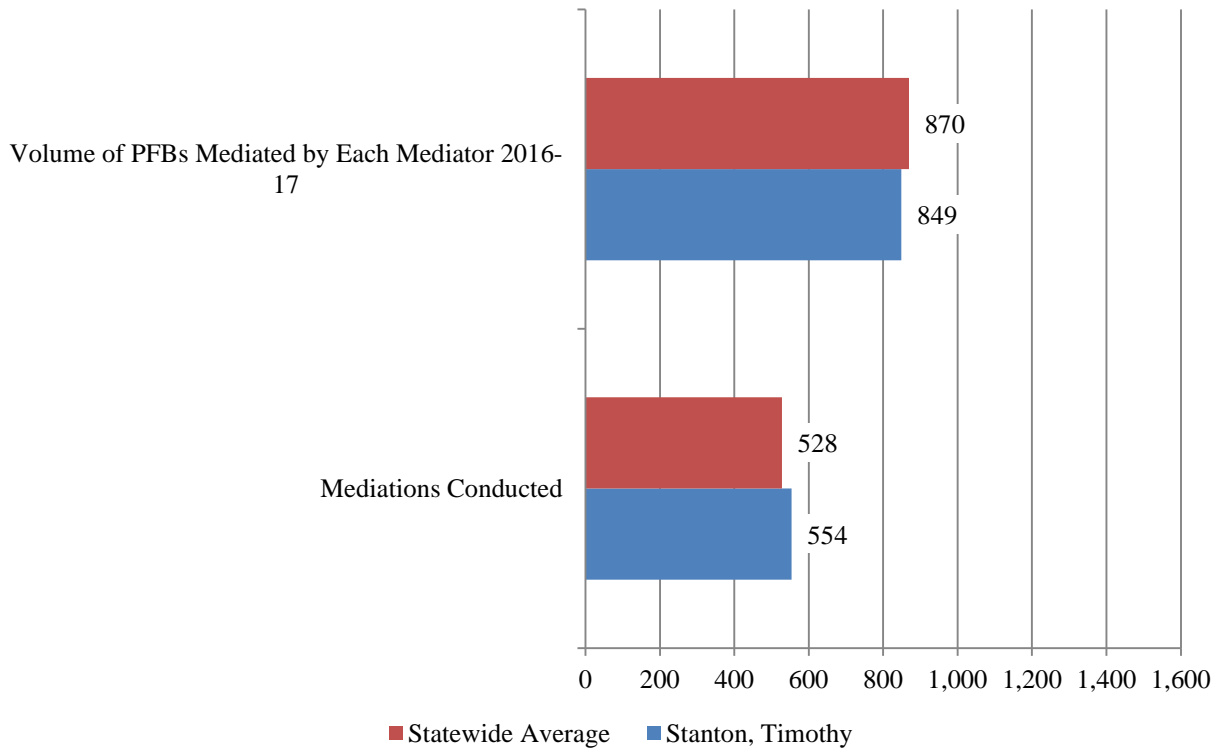


Slowikowski, Carolyn (PNS)

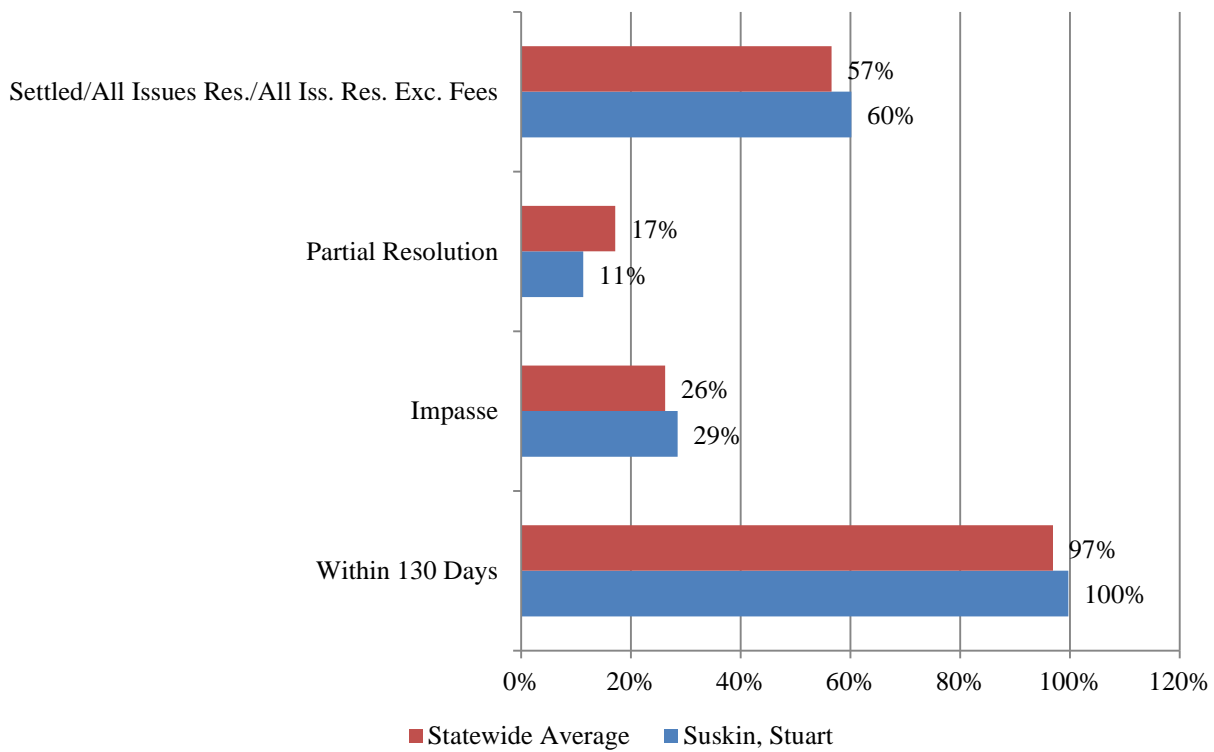
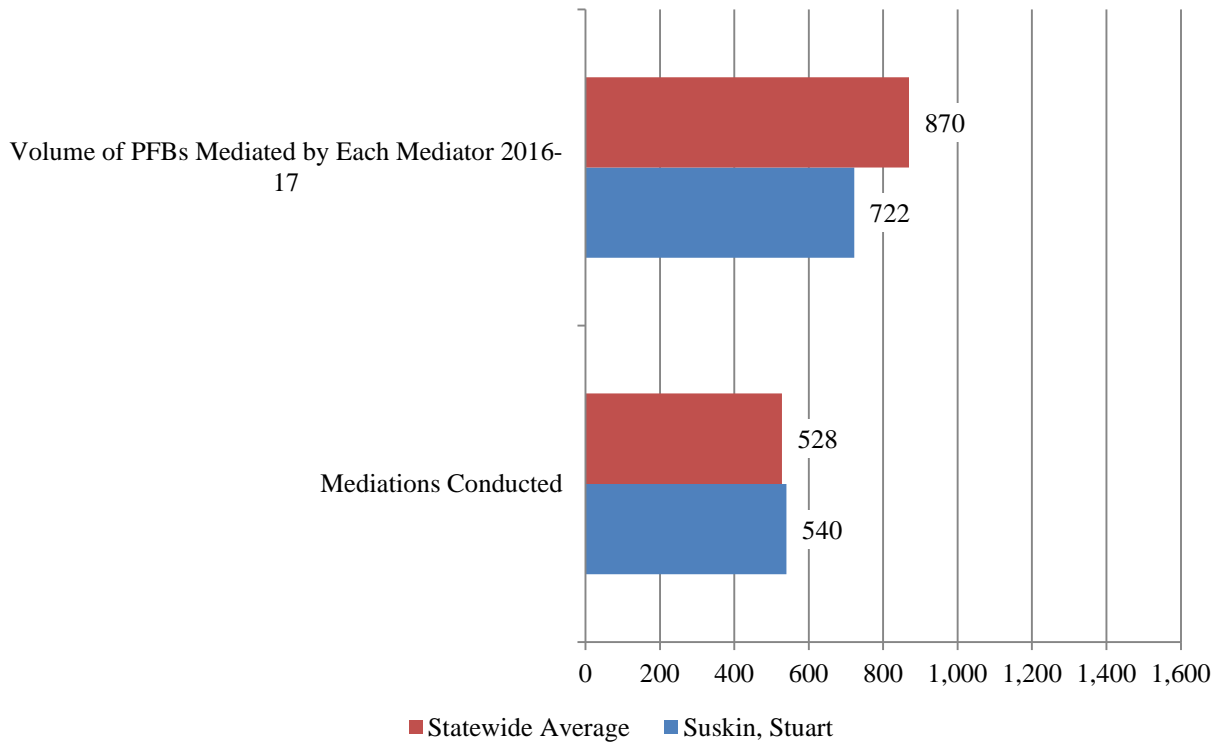




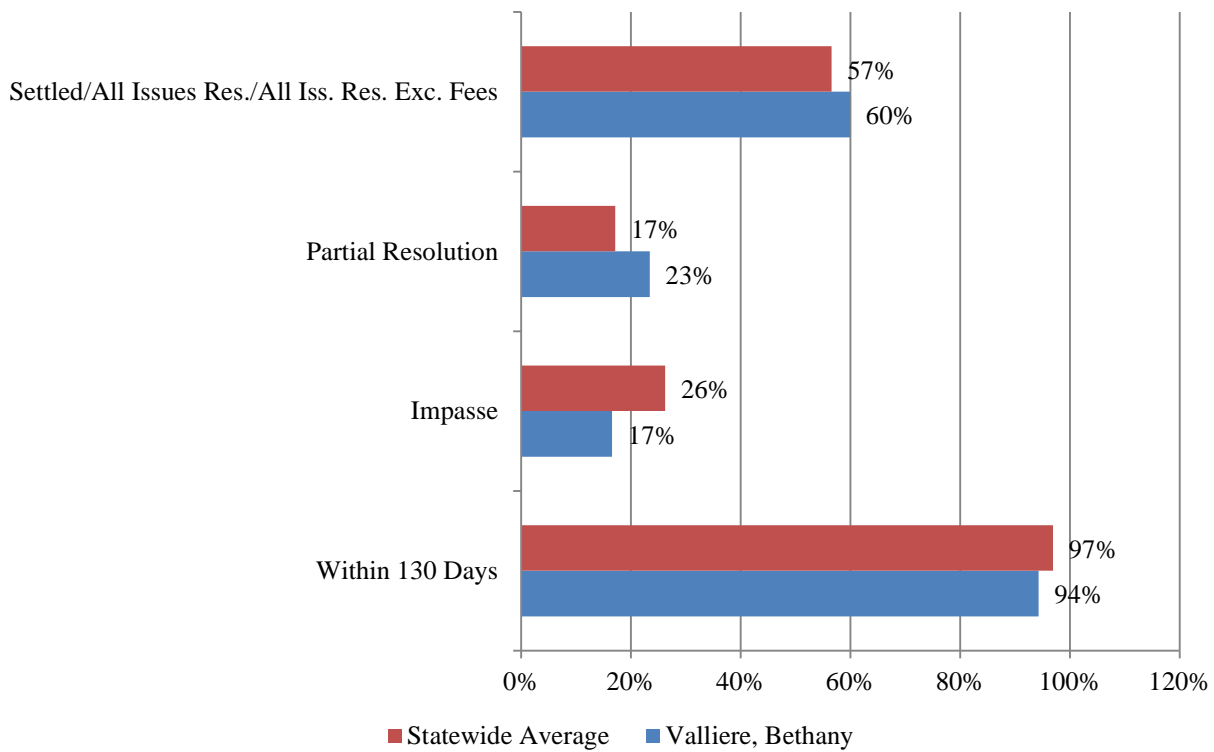
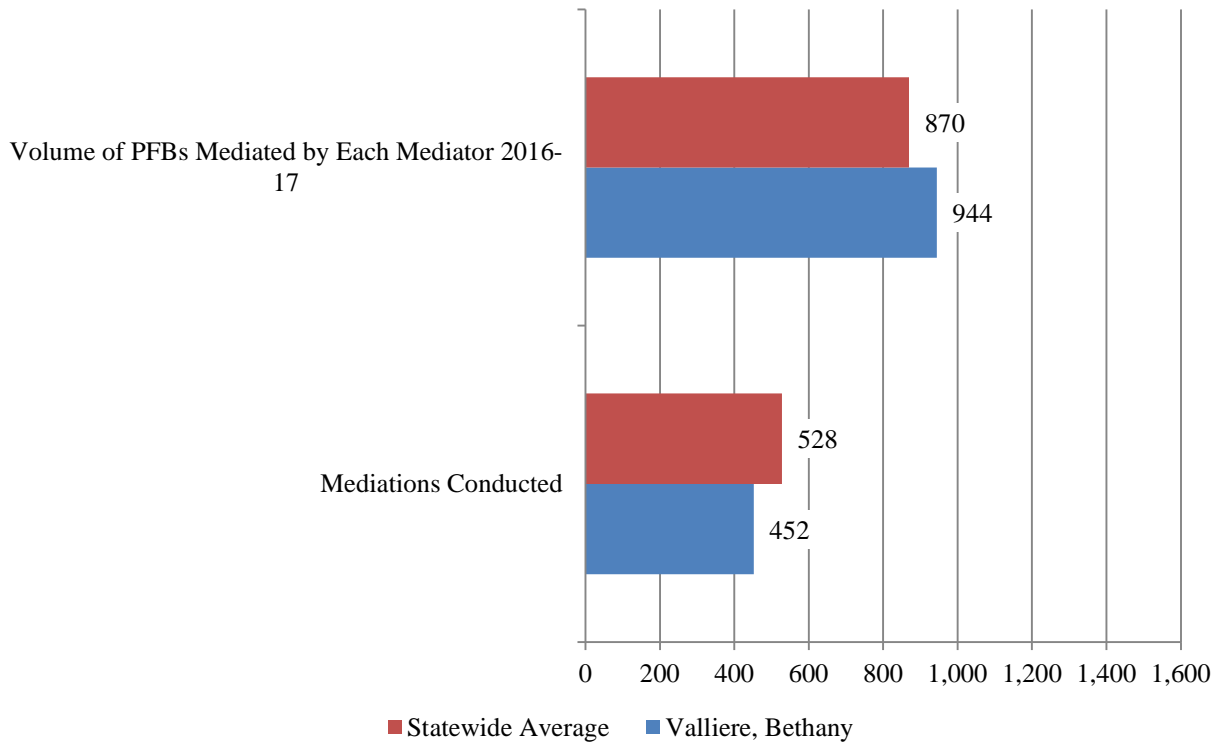
Stanton, Timothy (TPA)



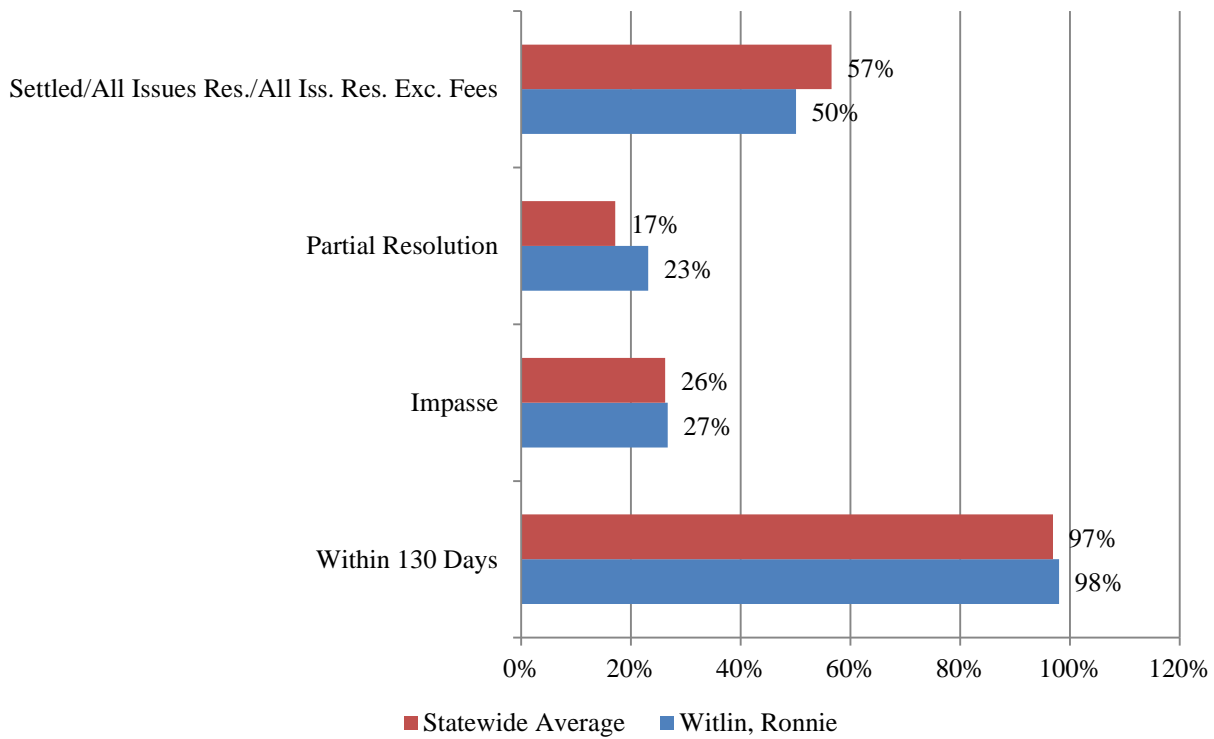
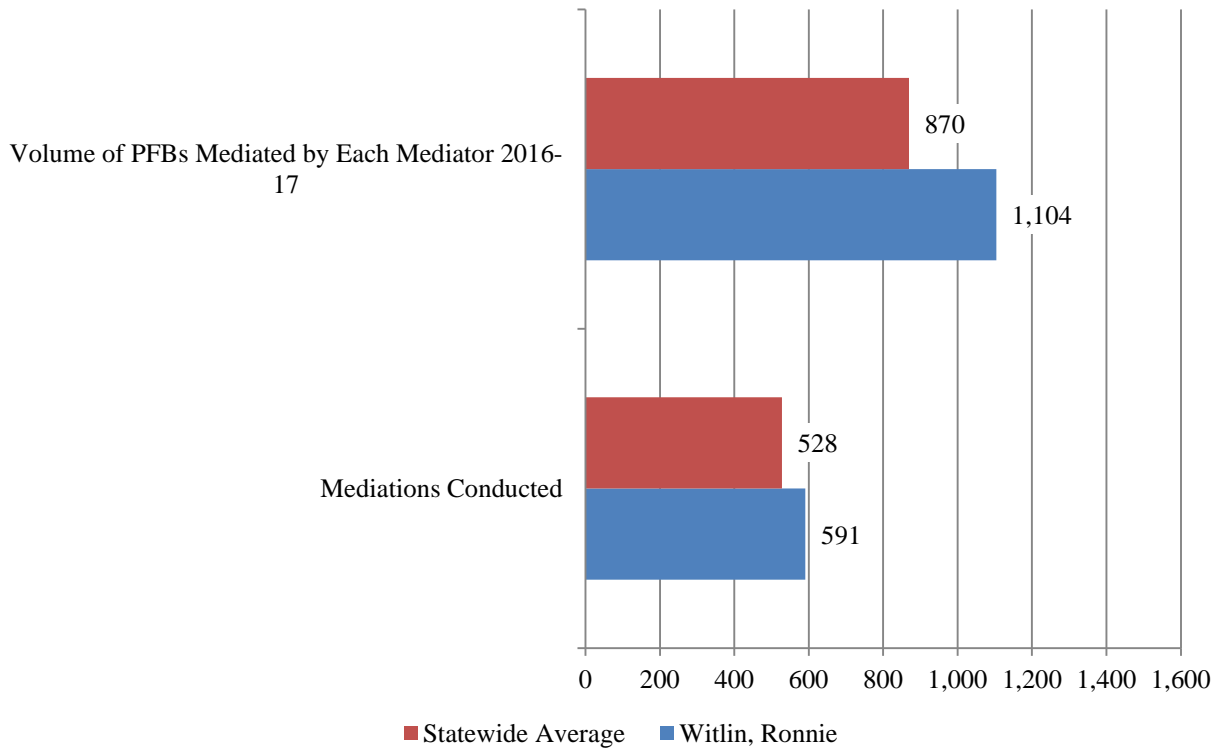
Suskin, Stuart (GNS)



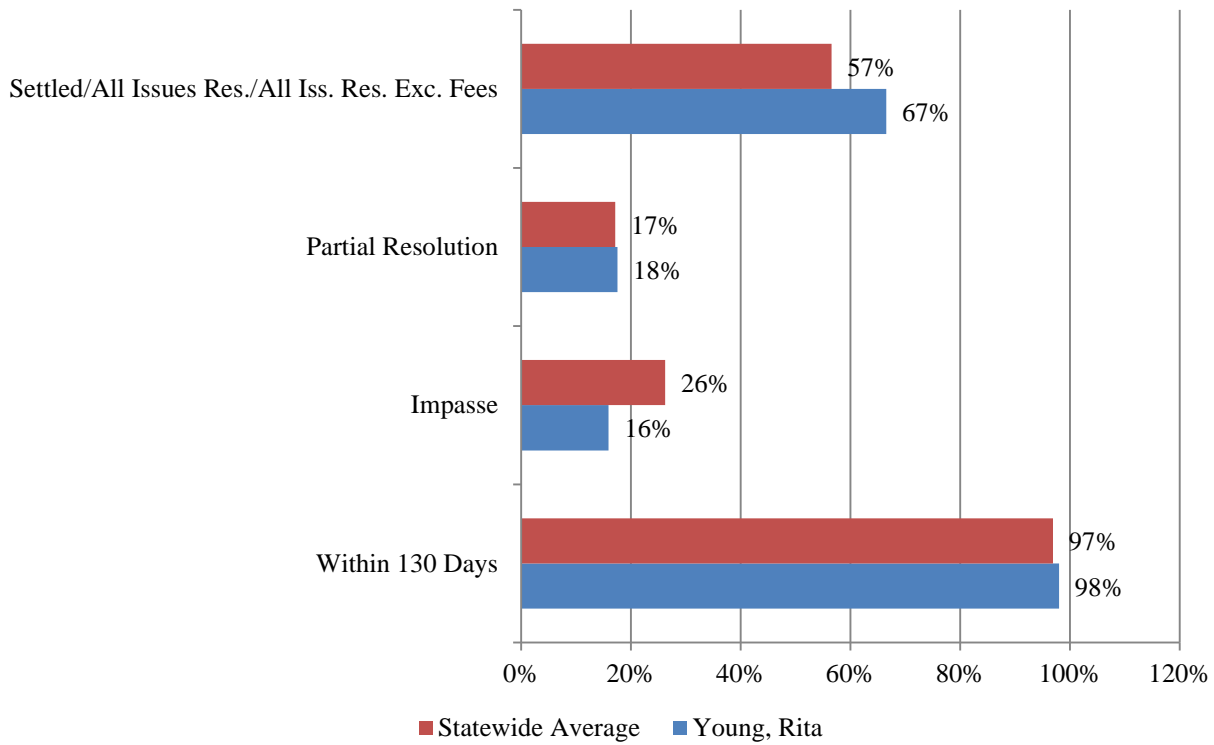
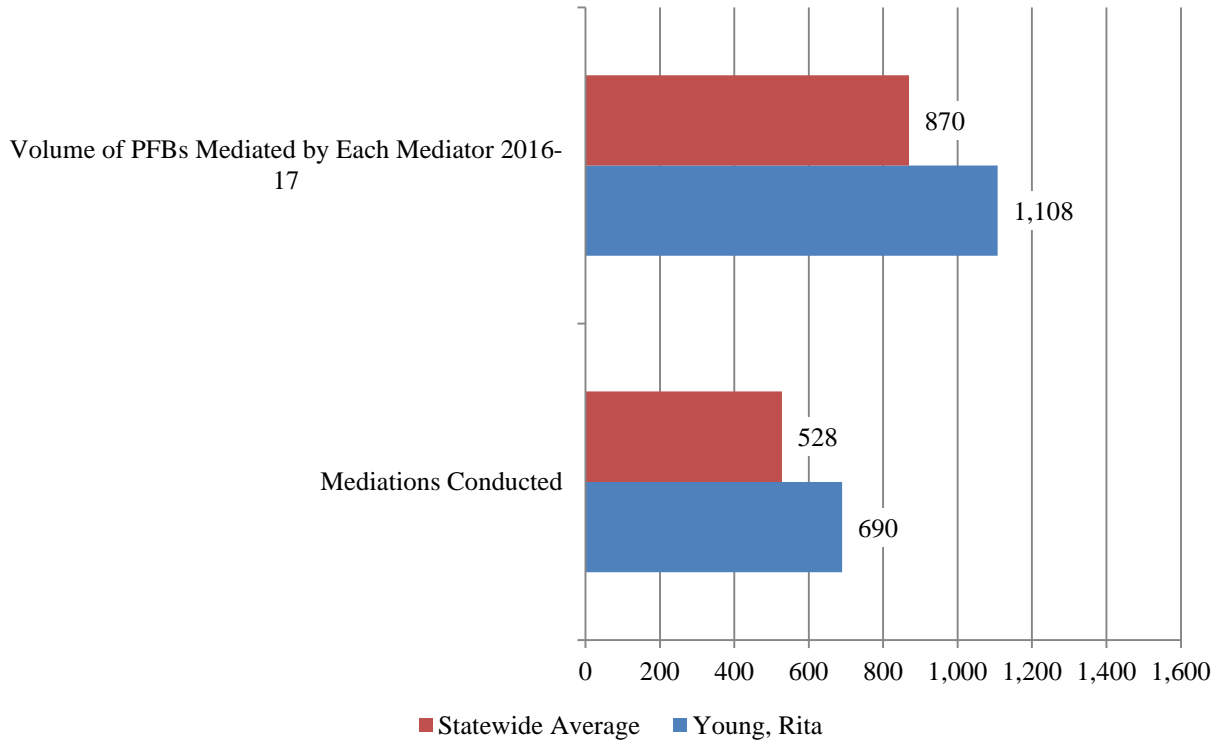
Valliere, Bethany (WPB)



Witlin, Ronnie (MIA)



Young, Rita (SPT)



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- <sup>1</sup> See, <https://www.fljcc.org/JCC/publications/reports/2016SR-MSR.pdf>, last visited August 18, 2017.
- <sup>2</sup> See Section 440.02(10), Fla. Stat.: “‘Date of maximum medical improvement’ means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.”
- <sup>3</sup> 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.
- <sup>4</sup> Late in the fiscal year, Mr. Aruthur was appointed Judge in District LKL. Thereafter, various mediators handled District LKL mediations and those are reflected in their individual statistics.
- <sup>5</sup> Late in the fiscal year, Mr. Brooks resigned. Mediations thereafter, for District DAY were handled by various mediators until the arrival of Ms. Hart who transferred from District FTM. The mediations in DAY conducted by other mediators are reflected in their individual statistics.
- <sup>6</sup> Late in the fiscal year, Ms. Hart transferred to District DAY, following the resignation of Mr. Brooks. The figures related reflect her efforts in District FTM, prior to transfer.