

**MINUTES OF MEETING**  
**CONNECTICUT BAR ASSOCIATION**  
**EXECUTIVE COMMITTEE**  
**OF**  
**WORKERS' COMPENSATION SECTION**  
**MEETING OF FEBRUARY 4, 2009**

The Executive Committee of the Workers' Compensation Section of the Connecticut Bar Association met for a scheduled meeting on February 4, 2009 at Ely's at Whitney in Hampden, Connecticut. Members present:

Robert Bystrowski, John Clarkson, Kevin Coombes, Guy DePaul, Albert Desrosiers, Francis Drapeau, Diane Duhamel, Kristen Falls, Gregory Goodstein, Andrew Hern, Ken Katz, Gregory Lisowski, Frank May, Barry Moller, Lawrence Morizio, David Morrissey, Joseph Passaretti, Lawrence Pellett, Kenneth Plumb, Brian Prindle, Howard Schiller, Angelo Sevarino, Lucas Strunk, Marilyn Vencel, Cori-Lynn Webber, David Weil, and Robert Enright, Chair, Mark Leighton, Vice Chair, .

Guest present: Norman Janes, Interim Executive Director, Connecticut Bar Association

The Chair, Robert Enright, called the meeting to order at 6:05 p.m.

1. Chair's Report

Mr. Enright addressed the issue of whether our Executive Committee could or should recommend reappointment of compensation commissioners in their reappointment process before the Legislature. This issue came up most recently with the reappointments of three commissioners. He noted the discussion on this on our List Serve. Because of questions as to whether our Section needed the approval from the Connecticut Bar Association to do so, that while there appeared to be overwhelming support for the recommendation to reappoint, he had withheld on forwarding any communication to the Legislature. It was because of the question regarding the authority of our Executive Committee to make such a recommendation without CBA approval, that he had invited Interim Executive Director, Norman James, to address our Committee. Bob then introduced Norman Janes.

Norman Janes thanked the Committee for our invite and addressing this issue. He stated that the CBA Constitution provides that a position taken by the CBA or any Committee must be approved by either the Board of Governors or the House of Delegates. He addressed the history of the CBA not taking a position on recommendations for appointment or reappointment of judges. He stated that while commissioners are not judges, he would have a difficult time differentiating the two. He did note that Olivia Barndollar, President of the CBA is appointing a

Commission to address the issues and/or criticisms involving judges' decisions and comments on them. He felt that, if we wished, the Commission could address whether our Executive Committee could or should make recommendations involving commissioners and whether such recommendations would need the approval of the House of Delegates or Board of Governors.

Bob also indicated that he was appointing a subcommittee for the final criteria for the Pomeranz-O'Brien Award. He appointed Mark Leighton as Chair of that subcommittee along with David Weil, Elizabeth Zaccardi and a player to be named later. He asked that the final proposal be prepared and submitted for consideration at our next Executive Committee meeting.

2. Vice Chair Report

Mark Leighton wanted the Executive Committee to be aware that the issue of specialization certification for residential real estate had been addressed by the House of Delegates. The Real Estate Section of the CBA has been working on that program and reported unanimous support for the program. Apparently, this necessitated approval by the House of Delegates. He reported that there was lively debate at the meeting in November on this issue, and that it had then been tabled to the meeting in January. However, it ended up not getting addressed at the meeting in January because the meeting had run late and the meeting was adjourned at 10:00 without addressing that issue which was on the agenda. However, he reported that there was substantial opposition to the program. The opposition centered on fear that banks would limit their "approved attorney list" to Board Certified Specialists, thereby eliminating that source of revenue for many general practitioners and attorneys who had some real estate practice, but did not constitute enough for them to become Board Certified Specialists. There was also significant opposition because of the CLE requirements. There was discussion about the pros and cons of this and the impact on the workers' compensation certification program. Mr. James was asked the position of the CBA on this, and he stated that that was really a determination left to the Board of Governors and/or House of Delegates.

3. Treasurer's Report

Mark Leighton reported on behalf of Tracey Cleary who had another commitment. He reported that the balance as of December 31, 2008 was \$14,004.28. He noted that this was a balance that seemed to be fairly consistent over the past couple of years. Motion made to accept the Treasurer's Report. Seconded and passed unanimously.

4. Secretary's Report

Mark Leighton reported for Donna Civitello who had a prior obligation. The minutes for the meeting of October 21, 2008 were presented. He asked for any additions, corrections or deletions. None were submitted. Motion made to accept the Minutes as presented. Seconded and passed unanimously.

5. Committee Reports

Examining Committee – Diane Duhamel reported. Diane stated that the process was underway for a specialization examination on May 15, 2009. The CBA had received nine notices of intent to take the examination. As that met the minimum of five required to proceed with an examination, the CBA and the Examining Committee are now awaiting the applications from those who had given notice of intent to apply.

Standing Committee – No report.

Compensation Quarterly – No report.

Legislation – Luke Strunk reported. Luke reported that with the State facing a financial crisis and historic deficits, he suspected that there would be little legislation which would have any negative financial impact on the State. That did not mean there wasn't a significant amount of legislation that might be seen. He noted in particular that one bill that is proposed is to increase all fines by 25%. There is other legislation that is designed to speed up medical treatment to injured workers and provides penalties if it is found that the delay is not warranted. He noted the interpretation of that obviously is left to the individual. He noted that the actions of the prior Speaker of the House had the effect of delaying or preventing a lot of workers' compensation legislation from progressing. He states that the current Speaker appears less inclined to do that.

Continuing Legal Education – Mark Leighton reported. Mark reported that the seminar scheduled for March 6, 2009 which is being co-sponsored by the Young Lawyers Section is progressing as scheduled. The topic will be "The State of State Cases." This will address all cases involving the State of Connecticut, the Second Injury Fund and the Attorney General's Office. He noted that three Attorneys General who are scheduled to speak – Philip Schulz, Lisa Weiss, and Sarah Posner. In addition, Luke Strunk, Andrew Morrissey, Scott Carta and Rick Sinclair from GAB Robins were presenters.

6. Exotic Seminar

Kevin Coombes reported. Kevin reported that the Exotic Seminar scheduled for Ogunquit, Maine is indeed progressing well. He stated that last year we had limited "net profit" from the seminar because of high costs from the CBA in promoting the seminar. He felt that a lot of those costs (mailings to litigation Section, etc.) really did little or nothing to increase attendance. Therefore, he is looking to cut back on the costs of promotion with the CBA to make sure that we operate in the black for this seminar. Kevin had already prepared the flyers which were being distributed to the various workers' compensation district offices. It was agreed that mailings should go out to Workers' Compensation Section members from the CBA and possibly labor and employment law. Kevin was again thanked for his efforts, and it was noted that for three successive years, the seminar had generated significant attendance and therefore resulted in revenues to our Section coffers.

7. New Business

Robert Enright, Chair, noted that Ann Marie D'Attelo had resigned from our Executive Committee as she now resides outside the State of Connecticut. As a result, he had recommended Assistant Attorney General Francis ("Frank") Vignati to fill that position. He noted that Attorney Vignati had been practicing for many years in private practice in East Hartford, has now been an Assistant Attorney General for over a year and has been very active in the Connecticut Bar Association, seminars, etc. The Executive Committee supported Bob's recommendation.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Mark D. Leighton  
Temporary Secretary