

Minutes of March 12, 2008 Workers' Compensation Section Executive Committee Meeting

Location: Inn at Middletown. The meeting began at 5:55 PM.

Bob Enright introduced Judge Schuman, who spoke about workers' compensation issues in the civil forum, which are usually those involving exclusivity.

The minutes from the January 9, 2008 meeting were accepted.

Mark Leighton gave the Treasurer's report in Tracey Green Cleary's absence. The account balance was \$13,199.59. Mark noted that the most recent issue of Compensation Quarterly cost approximately \$2,600 to print and \$1,200 to mail.

Bob Enright noted Joe Passerretti's resignation as Chief Editor of Compensation Quarterly, and promised a formal and elaborate recognition of Joe's many accomplishments at the annual CBA meeting on June 9th. We will have a full section meeting then, with Justice Berdon will as our guest speaker. Jack Clarkson will present his appellate review, and Luke Strunk his legislative review. We will also have a full section meeting on April 9th, at which time we will celebrate the retirements of Commissioner Waldron and Paoletta. The event will be held at Anthony's By the Sea. Chuck Tiernan and Lawrence Morizio are coordinating.

Frank Costello gave an update on the Exotic Seminar, which will be at the Sheraton in Portsmouth, New Hampshire, May 1-4. Eleven of thirty reserved rooms have been taken. Commissioner Vargas will be there, as well as Dr. Kabbash. Reservations have to be made by April 1st in order to guarantee the special room rate.

Bob Enright asked us to suggest a replacement for Christine Engel (as of this writing, Commissioner Engel) on the Executive Committee. To be discussed at the June meeting.

Cori-Lynn Webber reported on the well-attended (40) seminar on employment law in the context of workers' compensation claims. She also raised for discussion the Commission's position that respondents must remain liable on structured settlements in the event that the structure payor does not or cannot make structured payments. After spirited discussion, a motion by Donna Civitello, seconded by Bud Drapeau, that the Executive Committee take no action on this issue, passed.

Mark Leighton asked for suggestions for a second recipient of the Pomeranz/O'Brien award. Committee members questioned whether any criteria were in place for making the award, and the meetings from the meeting where the award was created will have to be obtained. Marilyn Vencel suggested that the Executive Committee appoint a nominating committee. Jack Clarkson made a motion that a committee be appointed to promulgate standards for the award and to nominate a recipient. Cori-Lynn Webber seconded the motion, and Andy O'Hern moved for discussion. Andy suggested that we locate the minutes from the meeting when the award was created. Mark Leighton then tried to move the motion. Jack Clarkson observed that the award could not be made at the upcoming annual meeting in June. Tim Welsh suggested that the award be given every two or three years. Bob Carter suggested that the nominating committee be

comprised of the Executive Committee office holders and past recipients of the award. Jack Clarkson amended his motion to include Bob Carter's suggestion. Ken Katz seconded the motion, and it passed unanimously.

Mark Leighton reported on the joint venture with the Young Lawyers Section to welcome the new commissioners (Goldberg, Greg, Cohen and Engel, pending confirmation) on May 22, 2008 at the Quinnipiac Club in New Haven from 5:30 to 7:00.

Luke Strunk gave his legislative report. This is a short session, ending May 7, 2008. Among the many bills which have surfaced, there are bills to expand scar awards and Section 31-308a benefits. He noted that Bob Enright and Bob Carter had testified regarding a bill to abolish the final judgment rule in workers' compensation appeals; that bill has been favorably reported out of the Labor Committee. Bob Enright noted that Chairman Mastropietro testified in favor of re-naming workers' compensation commissioners administrative law judges.

Greg Goodstein moved to adjourn, Victor Ferrante seconded, and the meeting ended at 7:03.

Submitted by Donna Civitello, Secretary