

50th

Anniversary

PARMA Annual Conference
February 20-23, 2024
Indian Wells, CA

Making the Most of Your 5 Minutes of Fame

How to Obtain Settlement Authority
From City Council or the School Board
During Closed Session Meetings

PRESENTERS



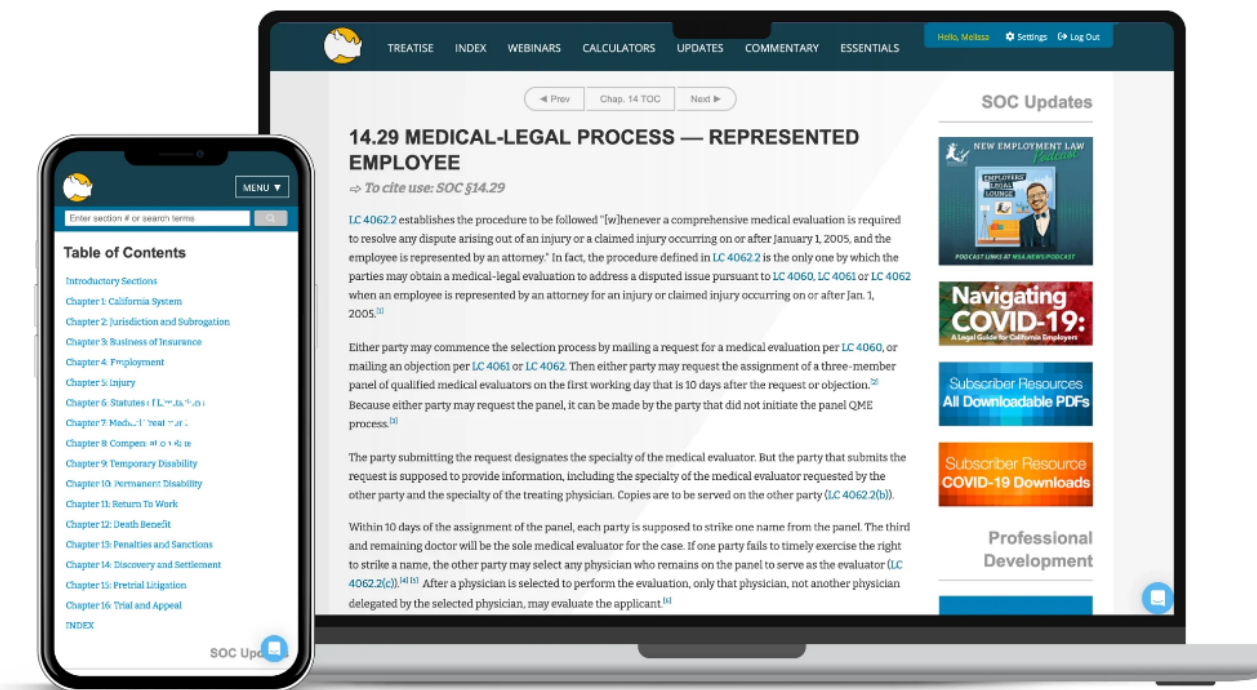
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ABOUT MS&A

- **Specialized Expertise:** California attorneys dedicated to representing employers in workers' compensation, industrial disability retirement, employment law, civil defense, subrogation, and DWC/OSIP audits.
- **Statewide Presence:** 10 offices spanning the entirety of California, ensuring local insights and representation.
- **Client-Centric Approach:** Customized defense strategies to safeguard your business, and reduce risks, complemented by our training and compliance practices to prevent and counter litigation.



ABOUT CITY OF ANAHEIM

- One of California's largest cities
 - Nearly 340,000 residents
 - 20,000 businesses
 - 25 million yearly visitors
- 1.9 billion annual budget
- Self-Insured & Self-Administered for workers' compensation claims & civil liability claims
- Oversees its own safety, health, and regulatory compliance programs

AGENDA

- **Primping to Walk The Red Carpet – What You Need To Prepare Ahead of Closed Meetings**
- **Wow the Crowd – How to Best Communicate with Public Officials for Approvals**
- **Get What You Came For – What To-Do, and Not To-Do, to Ensure Positive Outcomes**
- **Walk the Walk, Talk the Talk – Understand Workers’ Comp Public Sector Terms**
- **Closing Remarks – Q&A**

DO YOUR HOMEWORK

- Meet with the attorney(s)
- Meet with Human Resources and Risk Management in advance of the meeting
- Brief the Agency Administrator on the high points, your request, and the recommendation
 - The Agency Administrator is your lifeline and doesn't want to be caught off guard
- **Don't** expect for everything to make logical sense to a group of individuals unfamiliar with claims management
- Figure out how to explain things without legal jargon
- Know your facts like the back of your hand
- Know your agency's protocol for legal counsel presenting



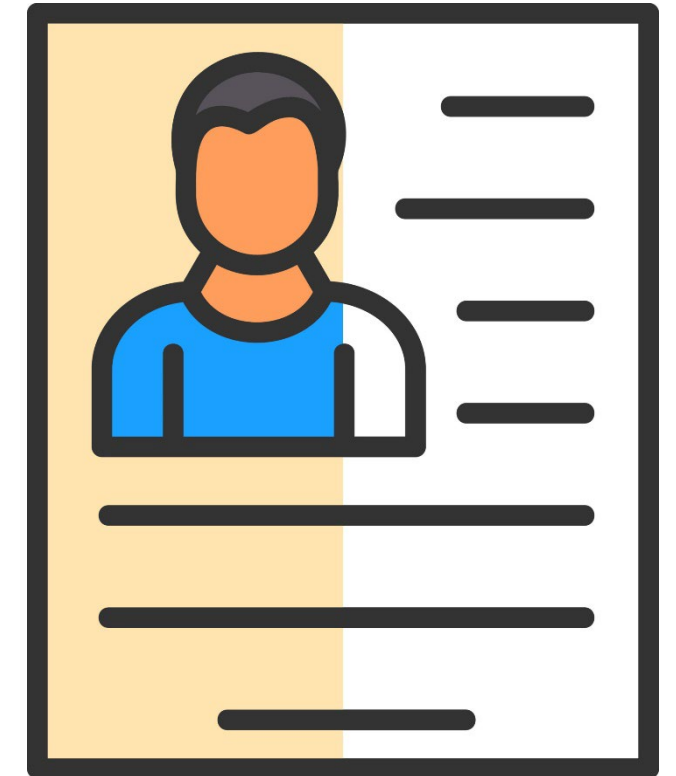
KNOW YOUR AUDIENCE

- Who is in the room?
 - Agency Administrator, Agency Board, Legal Counsel
 - Who is going to ask you questions?
 - What kind of questions will they ask?
- What is the make up of your board?
 - Retired public agency employees?
 - Business owners?
- Build and protect your credibility
- What is your agency's risk tolerance?
- Understand emotions might come into play, and how to deal
 - Respect and acknowledge that emotions can exist, but redirect to business decisions
- Do any of your agency board members have relationships/ties with the employee?
- Anticipate questions, and have answers prepared



KNOW YOUR APPLICANT

- History matters
- Number of prior claims
- Number and types of prior settlements
- Position in the community
- Potential fraud
- Is there history with this applicant and the city counsel?
- Is this an applicant that has turned down settlement offers in the past?



KNOW YOUR CASE

- Know your numbers
- Are there any civil cases pending?
- Is the claimant back on the job, or currently employed elsewhere?
- Are there any long-term implications, such as life pension?
- What are the ramifications of not settling now?
- Is discovery complete?
 - If not, what are the potential costs of remaining discovery versus settlement?



KNOW YOUR PURPOSE FOR BEING PRESENT AT THE MEETING

- Explain what you are asking for
 - This might require defining the difference between a stipulation and C&R, and why what you're requesting is most suitable
- Don't lose sight of your main objective – to get the settlement approved!
- Why type of authority are you requesting?
 - Are you asking for authority to negotiate, or are you asking for authority for a tentative agreement with opposing counsel?
 - Be prepared to communicate AA's current/historic demands, and the extent to which you are familiar with their approach to settling
- Is this an applicant that has turned down settlement offers in the past?

WHAT TO DO, AND NOT TO DO

DO

- Be realistic in what you are requesting
- Know what your applicant & opposing counsel is open to accepting to resolve the claim
- Explore all options and terms before coming in front of Council
 - Structured Settlements, Early Resolution, Return to Work vs. Termination, etc.
- Encourage and be open to Council asking questions

DON'T

- Assume you already have the authority before you walk in
- Act condescending toward the body
- Assume your topic is the most important item on their agenda
- Behave overly verbose
- Underprepare and think you can wing it
- Linger too long
- Beat around the bush when answering questions – address them head on and avoid “Being a Lawyer”

Utilizing Your 5 Minutes

- 30 seconds: Breakdown of facts
- 30 seconds: Reason for settlement
- 30 seconds: Issues
- 30 seconds: Breakdown of exposure
- 30 seconds: Request for funds
- 2 minutes: Address questions from Council
- 30 seconds: Closing remarks & confirmation of next steps



SCENARIO 1

- 21-year-old, part time seasonal employee injures knee leading an activity involving water balloons at summer camp
- Settlement includes lost wages and future medical care.
- Your governing body is frustrated with the facts of the claim and wants to deny it
 - Acknowledge and validate governing body frustration
 - Point out age and recovery speed will impact the value of the claim
 - Educate the agency on exposure
 - No fault state means the state provides benefits



SCENARIO 2

- Applicant's injury was a direct result of an at fault auto collision
- There were multiple examples of policy violations, disregard for public safety, and you're now asking for settlement authority
- Agency board wants to reject settlement
 - Further, wants to know discipline status



SCENARIO 3

- Agency board has a history with and dislikes the applicant and does not want to give them a large sum of money
 - Acknowledge and validate their position
 - Provide reasoning the settlement makes business sense
 - Walk them through the exposure (consequences)
- Recognize that bias exist



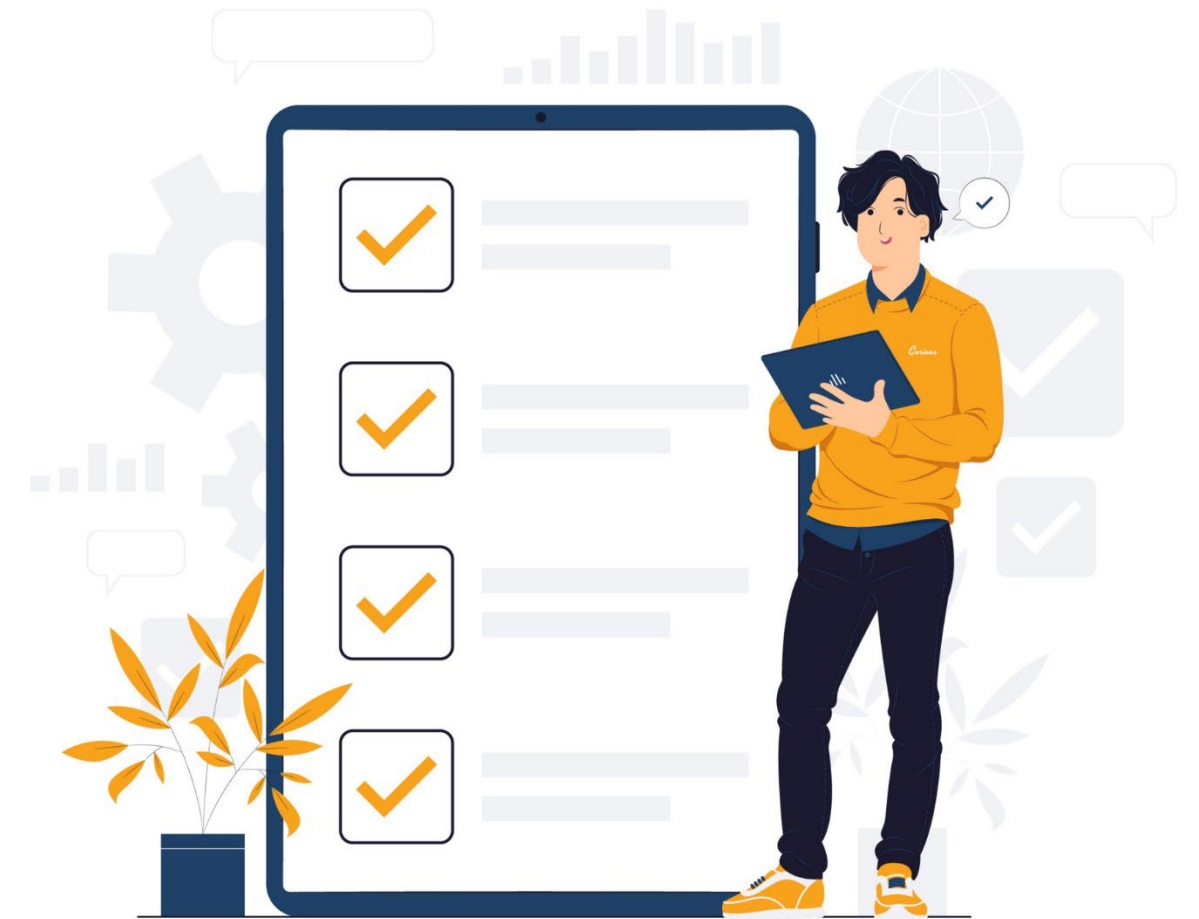
SCENARIO 4

- Applicant was injured in 2015, and Agency advanced permanent disability based on medical reports in anticipation of an award
- Settlement was never filed
- Now it's 2024 and the applicant claims injury is worse, and the claim is ready for settlement



Additional Factors

- Life pension
- Death claims
- Multiple parties (co-defendants)
- Multiple Cases
- Reimbursement issues
- Excess insurance issues



THANK YOU | Q&A



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DON'T FORGET TO TAKE 5!

Visit us in the Exhibit Hall at Booth #204/206

- Enter our raffle
- Spin our prize wheel
- Pick-up FREE resource materials
- Enjoy our lounge

