

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
February 8, 2013**

I. CALL TO ORDER

Chair Norm Cole called the Executive Committee (EC) to order at 12:08 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald			x	
Chen, Bin	X			
Cole, Norm	X			
Edmunson, James	X			
Guarrasi, Robert	X			
Harrell, Tom		X		
Jacobson, Jacqueline	X			
Johnson, Dale	X			
Lesh, Allison	X			
Olney, M. Kathryn		X		
Oswald, John	X			
Parks, Carol			X	
Schoenfeld, Steven		X		
Semple, Keith	X			
Sencer, Nicholas		X		
VavRosky, Dennis	X			

II. MINUTES

A motion passed to approve the EC Minutes of the 1-11-13 meeting as written.

III. CHAIR'S REPORT

Prior to the meeting, EC Chair, Norm Cole, sent a chair's report as follows:

We have an immediate ALJ vacancy on EC, due to Judge Bloom's resignation and an ALJ vacancy on the Legislative/Rules Committee. The Legislative/Rules Committee, I believe, also wants one of its number to be chair of a sub-committee on Rules.

Several EC members have terms which will expire at the end of the year. Ron Bohy wants to continue as Treasurer next year but does not want to enter the Secretary to Chair Elect to Chair rotation. Therefore, we also need a nomination for Secretary to replace Keith Semple next year when he becomes Chair Elect and Jackie Jacobson becomes Chair. We have to keep in mind the goal of rotating chair between defense, claimant, and ALJ. To me, this suggests the next Secretary should have a defense affiliation, and any ALJ who is willing to join EC to replace Duffy Bloom should be willing to consider, or at least not rule out, the possibility of becoming Secretary in a couple years.

During the business session at Salishan, the membership must vote on new officers and new members to EC. Because we ordinarily publish a list of nominations in the Salishan program, EC needs to approve the nominations at our March 8, 2013 meeting.

I have asked the nominations committee to recommend replacements for EC and Secretary. We need to be ready to act on this at the March meeting.

On another subject, earlier this week I convened a telephone conference with Linda Conratt, Aron Yarmo, Rob Guarassi, and Steve Schoenfield to discuss how we might use our Section newsletter to serve the membership. (Some committee chairs were unable to participate.) The consensus was:

- Publication every two months seemed about right;
- Committees should provide content, based on a schedule with reasonable deadlines;
- Some committees necessarily will contribute less. For example, there is not much the Salishan Committee could say after the conference;
- The goal of the newsletter will be to provide information useful to the membership without advocating a specific position (unless EC has taken a position);
- No decision was made regarding whether to provide a link to section members, in the event unrepresented workers wanted to find an attorney who has expressed an interest in our area of the law;
- Rob is willing to put the materials together, working with Julie Masters.

Special presentation

Kay Pulju, the OSB Director of Communications and Public Services attended the meeting to address questions and concerns about the OSB attorney referral service.

She explained that the referral service program's decision to insist on a fee split was based on years of operating at a deficit and a desire to move toward self sufficiency. Rather than creating a system with a lot of exceptions, trigger events, or threshold amounts to determine the fee split, the BOG opted for a simple 12% of all fees. The agreement was to re-evaluate the program after a year, which comes up in Sept 2013, and to have discussions with the sections regarding alternative options.

Norm Cole asked whether the OSB would have concerns about a directory for the WC Section. Her answer was a qualified no depending on how that information was presented to the public.

Rob Guarassi raised ethical concerns about the requirement that we refer clients we can't assist back to the referral service, rather than referring them directly to the best attorney that could assist them. Kay indicated that exceptions would be considered on a case by case basis.

She indicated that the number of participants for WC has been holding steady around 70 despite the changes. Overall participation has dropped, but not as much as OSB had expected. In prior years OSB had records of how many referrals were made for WC, but the system changed in 2012 so last year's data is incomplete.

Ultimately, Kay suggested that the EC develop a proposal to present to BOG sometime around September 2013 when the program is being reevaluated.

Norm indicated that he sees this as an access to justice issue and that the matter should be referred to that committee to develop a proposal to present to the EC. The EC also expressed interest in finding out who is currently signed up for WC referrals.

IV. TREASURER'S REPORT

Prior to the meeting, Treasurer Ron Bohy sent in a report as follows:

The OSB has not published the end of the year accounting or information about the membership for 2013. I assume it will be available before the next EC meeting. I have no information on current account balance, etc.

I attended the OSB treasurer's training on January 29, 2013. It was very informative.

I have forwarded the \$1,250.00 in Salishan XXXI sponsorship contributions to the OSB for crediting in our account.

V. COMMITTEE REPORTS

A. Salishan

Prior to the meeting Ron Bohy submitted the following report for the Salishan Committee:

The program preparation for Salishan XXXI is moving forward nicely.

The CLE committee met via telephone on January 30, 2013, and the committee will meet again via telephone on February 27, 2013.

Speakers, speaker times, room reservations, etc., have been confirmed. Bios from the speakers are due February 20, 2013, and the written materials are due by March 8, 2013.

The program remains the same as previously discussed with the EC. Preparation will go forward on the brochure. Another reminder for the date just went out from the OSB.

On January 18, 2013, letters requesting sponsorship donations went out to various potential sponsors (e.g., IME companies, SAIF, LNW, vocational rehabilitation vendors, court reporters, and investigation companies). The 2013 budget for sponsorship contributions is \$3,000.00. So far we have \$1,250.00 in contributions (i.e., from Bostwick, Carter, et. al.; Impartial Medical Opinions, and Oregon Medical Evaluations). I will forward these to the OSB. I will be following-up on the contribution letters shortly.

We have filed the appropriate paperwork for the OSB to provide the registration services. This is included in the 2013 Salishan Budget.

Preparation is starting to put together the menu.

There were no comments on this report from the EC members.

B. Communications/Tech

Rob Guarassi agreed with the chair report that the consensus regarding the newsletter is to publish the newsletter about once every 2 months, have the committees provide content, and that the communications committee will provide

deadlines to the committee chairs to contribute 2-3 times each year. The content should be informative and not advocate for a particular position. We may consider having a “forum” section to present competing views on important issues.

Norm suggested that the communications/tech committee distribute a proposed schedule of assignments based on a bi-monthly publication and decide whether to wait until after March to publish the first issue.

C. Daughtry Award of Merit

Dale Johnson reported that the committee was receiving nominations. The deadline for receipt of nominations was 12 AM on 2/8/13. Nomination forms were going to Holly Somers and Matt Fischer. Final nominations will go to EC prior to the March meeting.

D. Legislative / Rules

Keith Semple will take over as chair of the legislative portion of the committee, but not the rules portion. Keith will continue serving on the rules portion, but will not take the lead on scheduling and chairing the meetings or tracking rules changes.

Nick Sencer and David Wilson resigned from the committee.

Currently, legislative proposals are submitted to the Management Labor Advisory Committee (MLAC) for approval prior to being referred to the legislature. If legislation passes without MLAC approval, the Governor will veto it. The Governor’s agencies occasionally submit legislative proposals without MLAC involvement, so we will need to track that legislation as well.

Since many proposals move quickly through MLAC or are not approved to move forward, Keith proposed calling meetings of the legislative portion of the committee whenever legislation is approved by MLAC. This should provide enough time for the committee to vote on whether to comment as a section and forward a proposal to EC for a vote on whether to request permission to comment from OSB.

E. Bench / Bar Professionalism Committee

Tom Harrell reported that survey responses were in. The majority of respondents were pleased. 2/3 of the respondents were fine with the venue. Most were ok with a \$20 registration fee. 2/3 preferred a fee for the event as opposed to an increase in section dues.

A former Bench/Bar chair raised the concern that attendance was historically poor until they stopped charging for the event.

WCB is also concerned about charging for the event because they would have to pay the attendance fees for the ALJs and Board Members.

It was noted that the Oregon Women Lawyers do offer different fees for members, non-members, judges and new members at their CLE event.

F. Access to Justice

Dale Johnson reported that the access to justice committee has a link to the section membership but that it has no information regarding affiliations of the section members.

The EC considered whether to move forward in creating a section directory. The general consensus among the EC was in support of this idea. One question is how much effort will be involved. The litigation section already has a directory searchable by name firm or city. Ideally this will provide a template for the OSB tech folks to work off of once we get everything going.

Norm proposed that Access to Justice develop a proposal to discuss at Salishan. Access to justice meets again in March.

G. Going Forward

Steve Schoenfeld reported that the Multco Bar Assn Young Lawyers Section CLE will take place at Kells Irish Pub from 3-5 P.M. on 3/7/13. An advertisement was placed in the Multco Bar Assn newsletter.

The OSB new lawyers CLE was successful.

Larry Schucht will be meeting with the assistant dean at U of O law school to discuss adding a class on WC.

The committee will meet again in 6 weeks. In the meantime, Steve will forward the advertisement for the Multco event to Norm, Rob, and Julie Masters for publication.

H. Nominating Committee

See Chair's report discussing EC vacancies.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

None

VIII. ADJOURNMENT AND NEXT MEETING

The Executive Committee Meeting adjourned at approximately 1:30 p.m.
The next meeting will be at 12:00 p.m. on March 8, 2013, at the Oregon State Bar in Tualatin, Oregon.