

OSB Workers' Compensation 2003 ANNUAL REPORT

EXECUTIVE COMMITTEE MEETING

Section Executive Committee meetings were held January, February, March, May, June, July, September and November. All meetings, except the May annual meeting at Glen Eden Beach, were at the Oregon State Bar offices. A meeting scheduled for April 18 was cancelled due to the untimely death of our colleague, Bruce Black, an Administrative Law Judge. His service was held in Salem on April 18. The minutes of the meetings were prepared by ALJ Abbie Herman, Secretary. The minutes were submitted to the Bar in accordance with the requirements of the Standard By-Laws.

The Executive Committee had a busy and productive year monitoring the activities listed below and the Section's Subcommittees. The Executive Committee also continued to work with the Workers' Compensation Board to keep open lines of communication between practitioners and the Board. When appropriate, the Executive Committee advised the Board of the Section's position on various Board proposals and rule changes. The Section voted to fund the addition of the Van Natta's workers' compensation case reporter to the OSB's new Casemaker online library at a cost of \$720 per year. Section dues were increased by \$5 (from \$20 to \$25) to cover the additional expense.

SECTION BUSINESS MEETING

The annual Section business meeting was held on May 30, 2003, in conjunction with its annual CLE at Salishan Lodge, Gleneden Beach, Oregon. The Section membership approved the following officers and Executive Committee members for 2004:

Rodger Hepburn, Chair
Abigail Herman, Chair-Elect
Martin Alvey, Secretary
Debra Ehrman, Treasurer
Philip Garrow, Past-Chair
Marcos Thesing
Holly Somers
Lihn Vu
Keith Kekauoha
Shelly Edling
Matthew Roy
Dean Lederer
Meg Carman
Arthur Stevens, III
Sandra Haynes

SECTION STANDING COMMITTEES

1. CLE COMMITTEE

The primary purpose of the CLE Committee is to plan, organize and operate the annual Salishan Conference. During 2003, the program and activities were held on May 29 through May 31, 2003, at the Westin Salishan Lodge in Gleneden Beach, Oregon. As usual, the Salishan 2003 program was very successful. Changes initiated by the Workers' Compensation Board in reimbursing ALJs and Staff attorneys for attendance had an adverse effect on attendance. Plans were put in place to insure that these important members of the Section would feel welcomed and be able to attend in future years. John Klor ably chaired the CLE Committee, for the final time before passing the baton to Ron

Bohy, who will serve as chair for the 2004 CLE. ALJ Holly Somers served as Executive Committee liaison.

2. COMMUNICATIONS COMMITTEE

The purpose of the Communications Committee is to oversee the Section Newsletter and to develop and maintain the Section's website. The section Newsletter has been published by ALJ Stephen Brown of Medford, distributed primarily by e-mail unless members request a paper copy. With ALJ Brown's retirement, the Committee arranged to have information transmitted electronically from the Section Chair to Roger Pearson and Karen Burton at the Workers' Compensation Board, who will attach the appropriate WCB case summaries and information and send the completed project to the OSB for dissemination to the Members. The Committee is also working on reducing or eliminating the number of members who have not provided their email addresses so the Section will no longer need to send newsletters by regular mail. ALJ Doug Crumme served as the chair and Executive Committee liaison of the committee during 2003. During 2004, the committee will continue to oversee the newsletter and will renew its efforts to develop its website, under the guidance of web editor Julie Masters. So far, the website will include a calendar of events, a directory of members with browsable links, and links to other sites.

3. DOUGLAS W. DAUGHTRY AWARD OF MERIT COMMITTEE

The purpose of this committee is to review nominations for and make recommendations of one or more Section members to the Executive Committee as recipient(s) of the merit award. The award is given to Section members who demonstrate a commitment to the highest standards of professionalism, honesty, integrity and willingness to adhere to the highest ethical standards, while making outstanding contributions to the Section and the hearings process. If awarded the Award of Merit is presented at the annual Salishan Conference. This year, the subcommittee consisting of ALJ Rob Brazeau, Past-Chair, of the Executive Committee, Ronald Bohy and Margaret Weddell, also Past-Chairs. The 2003 Award of Merit was presented at the annual business meeting to ALJ Claudette McWilliams, a long-time member of the Section and visionary, who has provided inspiration and hard work on behalf of the Section and its membership for many years. During 2003, the subcommittee of Past Chairs will be composed of Ronald Bohy, Philip Garrow and Robert Brazeau. Rodger Hepburn, Executive Committee Chair, will serve as liaison to the Executive Committee.

4. LEGISLATIVE COMMITTEE

The purpose of the Legislative Committee is to propose and monitor the passage of new legislation; to advise the Executive Committee regarding the advisability of the passage of proposed legislation and to review current workers' compensation laws in consideration of the development of legislative concepts to be sponsored by the Section. The committee successfully sponsored legislation for the 2003 session regarding the procedure by which the Workers' Compensation Board handles claims involving responsibility among two or more employers/insurers. David O. Wilson served as Executive Committee liaison during 2003.

5. PROFESSIONALISM COMMITTEE

The purpose of the Professionalism Committee is to advance the interests of professionalism among the members of the Section by sponsoring seminars and programs which afford an opportunity for education and discussion. As noted below, this committee organized the section's Fall Bench/Bar Forum. Matthew Roy chaired the committee and served as Executive Committee liaison. With the able assistance of Sandy Haynes, the subcommittee put on a successful CLE November 14.

6. RACE/ETHNIC COMMITTEE

The purpose of this committee is to identify means by which the Section can facilitate the use of the Workers' Compensation forum by practitioners and members of the public. ALJ Keith Kekauoha acted as Executive Committee liaison to the committee, which was chaired by Mark Thesing. The committee worked with the Workers' Compensation Board to improve the interpreter process in hearings before the Board and to begin the development of an outreach system of providing better services to non-English speaking persons using the system.

7. RULES COMMITTEE

The purpose of this committee is to monitor the potential promulgation of new rules by the Workers' Compensation Board and Workers' Compensation Department, to advise the Executive Committee regarding the advisability of promulgating rules and to review current Board and Department rules for the purpose of improving the hearing process. The committee monitored the Board's triennial review process and investigated the advisability of recommending a rule change to the Board regarding the ALJ hiring process. The Rules Committee was chaired by G. Duff Bloom. The Executive Committee liaison was Martin Alvey.

BUDGET

The treasurer's report and Section budget are attached hereto as submitted by Debra Ehrman, Treasurer.

2003 SECTION ACTIVITIES

1. BENCH/BAR FORUM

The Section sponsored its Fall Bench/Bar Forum on November 14, 2003, in Portland, Oregon. A panel of guests discussed ethical concerns regarding issues arising before, during and after workers' compensation hearings. Attendees were charged \$25, to cover the cost of the presentation and food, and received 2.5 MCLE Ethics credits, to be approved by the Bar.

2. SALISHAN 2003

Salishan 2003 was held at the Westin Salishan Lodge and Resort May 29 through May 31, 2003. The annual Robert Gruber Golf Tournament was held on May 29, 2003. Proceeds benefit the Alex Gruber Educational Fund.

The CLE included an appellate update; a discussion of the new HIPPA requirements for handling medical records; a discussion of the interplay between workers' compensation and employment discrimination; a presentation from Scott Jacobsen, MD, on the diagnosis and treatment of shoulder problems; a panel reviewing the effects of SB 485, the most recent legislative changes to the Workers' Compensation Act; a cultural diversity presentation by Mark Thesing; and a discussion of settlement lien issues. Matt Hennessee, CEO of Quiktrak and former WCD Director, was the keynote speaker on May 30, 2003. Attendees received CLE credits approved by the Bar. The Section also sponsored a dinner and entertainment on May 30, 2003, and presented the Award of Merit to Claudette McWilliams.

PLANNED SECTION ACTIVITIES FOR 2004

1. EXECUTIVE COMMITTEE MEETINGS

The Executive Committee will schedule monthly meeting at the offices of the Oregon State Bar in Lake Oswego or other locations determined by the committee.

2. SECTION BUSINESS MEETING

The annual Section business meeting will be held on May 14, 2004, at the Westin Salishan Lodge and Resort at Glen Eden Beach. At that time, Section Officers and members at large of the Executive Committee will be selected for 2005.

3. SECTION STANDING COMMITTEES

The Section will continue to have the standing committee noted above. The CLE Committee will plan for Salishan 2004. The Communications Committee will continue to work on the monthly newsletter and developing the Section's website. The Douglas W. Daughtry Award of Merit Committee will review and make recommendations to the Executive Committee regarding possible recipients of the award. The Legislative Committee will monitor and/or propose potential legislation for future legislative sessions. The Nominating Committee will propose a slate of officers and members-at-large for the 2005 Executive Committee. The Professionalism Committee will plan and organize Bench/Bar Forum events for 2005. The Race/Ethnic Committee will continue to develop means by which all consumers can best use available workers' compensation services. The Rules Committee will monitor and review proposed Board and Department rules.

4. SECTION ACTIVITIES

Salishan 2004 will be held from May 13 through 15, 2004, at the Westin Salishan Lodge and Resort. One or more Bench/Bar Forums will be planned and held during the 2003. The Executive Committee will endeavor to maintain its communication with the Board and Department regarding matters of concern to the Section members.