

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

**I. CALL TO ORDER**

Chair Norm Cole called the Executive Committee (EC) to order at 12:05 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Committee members attending or absent were:

<b>Exec Board Member</b>	<b>Present in Person</b>	<b>Present by Phone</b>	<b>Absent</b>	<b>Comments</b>
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 2/5/13 meeting, but to amend Kay Pulu to Kay Pulju.

### **III. CHAIR'S REPORT**

Chair Cole received a list of section members that have not renewed for 2013. He will send an invitation to these folks to see if they want to renew their membership. The EC went through the list to determine whether there were former section members who should not receive a letter because they have left the practice.

### **IV. TREASURER'S REPORT**

Balance at the end of 2012 was \$18,023. Revenue for the year was \$4,969, for a deficit of \$1,400. There are 323 section members in 2013 compared to 355 in 2012. If the EC wanted to raise dues for 2014, we would need to submit a proposal to the Bar by October 1, 2013.

### **V. COMMITTEE REPORTS**

#### **A. Access to Justice**

Dale Johnson indicated that the Access to Justice committee met the prior Monday. One of the things they discussed was a concern that the MCO lists for attending physicians list providers who are no longer accepting workers compensation patients. The committee requested approval to send a letter to MLAC to express this concern in the hopes of getting MLAC to study the issue.

Discussion focused on whether there was sufficient evidence of the problem and whether the proposal was specific enough for the EC to vote on. After discussion, a motion to approve the proposed action failed, but it was suggested that the committee might want to discuss its concerns with the Workers Compensation Division.

For the proposed section directory, the committee is reviewing the section list to determine who might be designated as claimant, defense, and ALJ.

The ombudsman for workers' compensation indicated that it would also be helpful to designate whether support staff is bilingual and, if so, in what languages.

A proposal for legislation that would address the issues raised in the *SAIF v. Wild* case has been drafted and a final draft will be submitted for a vote at the April meeting. A copy will then be submitted to the Legislative Committee.

## **B. Nominating Committee**

Rob Guarrasi announced that this will be his last year on the EC. The nominating committee is extending an invitation to Chris Frost to serve out the remainder of his at large claimant's position.

Tom Harrell is vacating his at large position in 2014 to take over as Secretary. Kate Caldwell will join the EC as an at large defense member to serve out the remaining year of Tom's term.

ALJ Jenny Ogawa will serve out the remainder of ALJ Duffy Bloom's term as an ALJ member at large. She can then re-up to 2015

The 2014 officer roster that will be submitted for a section vote at Salishan is as follows:

Jacqueline Jacobson- Chair  
Keith Semple- Chair Elect  
Tom Harrell- Secretary  
Ron Bohy- Treasurer  
Norm Cole- Past Chair

At large terms ending in 2015 include:

Katherine Olney  
John Oswald  
Allison Lesh  
Jenny Ogawa  
Nick Sencer  
Kate Caldwell

The EC voted to approve the changes noted above.

## **C. Daughtry Award of Merit**

Two nominations were approved: Barbara Woodford and William Replogle.

Ron Bohy, a partner of Mr. Replogle's, noted that in addition to meeting the first two prongs for ethics and professionalism, Mr. Replogle recently chaired the Access to Justice committee for 7 years and has presented at section educational events, such as the Bench Bar Forum. He also served on advisory committees for third party rules and ALJ selection. Others noted that Mr. Replogle meets the highest standards of ethics and professionalism, and that he has also been a resource to many section members who have sought his counsel and thoughts on cases from time to time.

Katherine Olney, who has worked with Ms. Woodford, noted that in addition to meeting the highest standards of ethics and professionalism, Ms. Woodford contributed to the section by serving on the Executive Committee and as the liaison for the Salishan Committee. She also served on an advisory committee for Board Chair Abigail Herman.

Following the EC's vote, the committee will obtain the plaque and arrange for speakers to introduce the award recipient(s) if any.

The voting process was discussed, and it was agreed that at least 12 members of the EC were required to cast ballots by 3/14 indicating whether they vote for one candidate, both candidates, or neither candidate. It was agreed that such ballots should be sent by email to Sara Hackbart. There were some ongoing concerns regarding anonymity, but there were not enough EC members at the meeting to conduct the vote in person and there is no way to maintain anonymity with an electronic vote.

#### **D. Salishan**

Ron Bohy reported that the committee met twice in March, 3/13 and 3/27. The committee has secured \$2400 in sponsorships compared to \$3900 last year. They budgeted for \$2500, but will probably get close to last year's amount. Brian Whitehead will provide beer for the reception.

The deadline for materials is 3/22 and the committee is still working on getting materials from the keynote speaker. A brochure/invitation was to be mailed to section members at the end of March. Lunch choices had also been confirmed.

#### **E. Legislative / Rules**

Keith Semple reported that the committee is continuing to track bills through MLAC and the legislature and is attempting to schedule a meeting to discuss those bills during the month of March. The committee is still looking for someone to chair the rules portion of the committee and additional defense and ALJ members.

#### **F. Bench / Bar Professionalism Committee**

No report.

#### **G. Going Forward**

The Kells event for the Multco Bar Association Young Lawyers Section went well. There was good crowd participation. Tom Spooner from the Multnomah Bar Ass'n asked if the WC section would be willing to contribute to the program costs, which included alcohol. A vote was taken and the EC declined.

Larry Schucht is attempting to find out whether the U of O college of law would agree to offer a Workers' Compensation class. U of O wants to know whether we have statistics to demonstrate a need for additional Workers' Compensation attorneys. Al Lyons, who has taught such a class in prior years did vouch for the fact that there has been student interest in his class.

#### **H. Communications/Tech**

Rob Guarrasi asked whether we need to reelect a chair now that the committee has been consolidated. The EC agreed that the merger has already taken place and that no action was needed in terms of re-election.

### **VI. OLD BUSINESS**

None

### **VII. NEW BUSINESS**

None

## **VIII. ADJOURNMENT AND NEXT MEETING**

The Executive Committee Meeting adjourned at approximately 1:50 p.m.  
The next meeting will be at 12:00 p.m. on April 12, 2013, at the Oregon State Bar in  
Tualatin, Oregon.