

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

OF:

AUGUST 13, 2010

I. CALL TO ORDER

Chair Matthew M. Fisher called the Executive Committee (EC) to order at 12:20 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Present in person were: Matthew Fisher (Chair), Chuck Mundorff (Chair-Elect), Matthew Roy (Past-Chair), Dale Johnson (Secretary), Julie Masters (Treasurer), and Members-at-Large Rob Guarrasi, Norm Cole, Ron Bohy, and Kate Donnelly and OSB liaison Suzanne Cushing.

Present by telephone were: Members-at-Large Jacqueline Jacobson, Nick Sencer and Adam Stamper.

Absent were: Members-at-Large Dennis VavRosky, Jennifer Roumell, Steve Schoenfeld, Keith Semple and Jim Edmunson.

Also present at the meeting was OSB Systems Administrator, David Johnson.

II. MINUTES

A motion was made and seconded to approve the Minutes of June 11, 2010. The motion passed.

III. CHAIR'S REPORT

Chair Fisher reported regarding questions raised by the Salishan Committee about whether the desire to switch the materials from a book to a CD. The issues discussed are described in more detail below in the Salishan report.

IV. TREASURER'S REPORT

Treasurer Masters reported. The fund balance is \$23,192. Current balance for conferences is \$10,000, which includes \$8,000 for Bench / Bar and \$2,000 for Going Forward. The section still needs to pay its \$500 contribution to OLIO.

The section faces a projected net loss of \$3,492 in FY 2010. Salishan came in under budget, but participation was also lower than expected. Treasurer Masters opined Salishan will probably result in a net gain of \$1,000.

The section discussed prior concerns raised by the OSB regarding excessive account balances. Mr. Johnson from the Bar indicated the concern still exists, and that the reason we have not heard anything is because we do not have a large enough balance to warrant admonition. While there is no official number provided, he indicated sections with balances below \$20,000 usually are okay. In fact, each section should try to have some cushion.

V. COMMITTEE REPORTS

A. Salishan

Per request from this committee, the EC addressed whether moving toward CD materials rather than printed books was driven by cost or by sustainability issues. Treasurer Masters stated it was driven by both. Salishan was assured the EC was not suggesting Salishan runs an excessive budget. Rather, the EC was considering the cost and revenue of Salishan in the global section budget and looking for ways the section can reduce expenses.

Mr. Johnson from the Bar stated some sections are using flash drives rather than CDs. This allows sponsors the option of putting its logo, etc., on the front of the flash drive, which can cover the cost of creating it. Anticipated cost is only around \$2.00 per item, which is a significant savings.

Salishan is asked to contact Anna Zanolli at OSB for assistance on this issue. Her email was provided as azanoli@osbar.org. Treasurer Master recommended we consider a “default” where conference attendees would receive the CD or flash drive, unless the person requested written materials and paid the additional cost of production.

Member Jacobson stated the committee’s concern is that many materials are presented late. Mr. Johnson from OSB stated this is a common issue among section conferences, and that the turn-around time is so fast with CDs and flash drives that sections actually find the digital form more accommodating for late submission.

The EC discussed what can be provided to the Salishan Committee chair and the committee members beyond the room rentals (about \$184/room) at Salishan. No motions were made. Additional budget information will be needed first.

B. Communication

No report.

C. Daughtry Award of Merit

No report.

D. Legislative / Rules

The letter from the EC to Board chair Abbie Herman had passed 14-0 and was sent to Chair Herman notifying her that the EC would like to be involved in the rule making process for Division 438 rules.

According to Mundorff, WCB Chair Herman and Presiding ALJ Somers would like specific rule proposals. Chair Fisher will notify, via email, Roumell and Legislative/Rules co-chairs Chris Moore and Thad Hettle that specific proposals are needed. WCB Chair Herman will keep the process open for comments until September 27, 2010 (*See*, her email to section members, dated August 26, 2010).

E. Bench / Bar Forum

Donnelly reported. The committee met via conference call. Court of Appeals Judge Timothy Sercombe will present on professionalism in WC hearings. Board Member Margaret Weddell will introduce Judge Sercombe.

A one hour panel presentation is being constructed featuring speakers from the Workers' Compensation Division, SAIF and the claimants' bar. The possible topic for discussion is *ex parte* contact with the WCD. Another possible panel may discuss the representation, in hearings, of persons with mental impairments.

Donnelly will finalize contracts for the Forum site with help from Masters.

F. Access to Justice

Secretary Johnson reported. The committee met in August by teleconference. The committee chose not to get involved in a private interpreter firm's written request of Chair Fisher, that the EC assist the firm in obtaining an expansive change in the new administrative rules/fees governing medical service interpreters. The committee advised Fisher of its decision. The committee is continuing to examine the WCD brochures and will determine whether to propose changes that address attorney representation and access to justice.

G. Going Forward

Sencer reported. The committee co-chairs Rodger Hepburn and Steve Schoenfeld have started to direct the committee. The committee has decided that it cannot produce a CLE this year; perhaps in 2011. The committee will meet in September to reorganize. If the committee decides to set-up a mentoring program, Cushing suggested that the committee share information with Kay Pulju, of OSB Public Service Programs (kpulju@osbar.org).

H. New Technologies

Guarrasi reported. The committee has been focusing on specific Division 438 rule changes that would assist the WCB and the practitioners, utilizing facsimile and email to cut postage costs and to decrease notification delays.

Cole raised questions regarding discovery by email and by hard copies. Cole also suggested alternative email addresses if notification was not received due to “Out of Office” response.

I. Nominating

Matters raised by Secretary Johnson were tabled until September EC meeting, specifically having the committee develop a pool of interested prospective EC and committee volunteers, with attention to geographic diversity, and other diversity issues.

VI. OLD BUSINESS

The EC briefly discussed the issue of how the state budget cut-backs will affect the attendance of the WCB staff and ALJs at the annual Salishan Conference. Further study is necessary before any decisions (e.g. discounted seminar fees) are made to encourage attendance.

VII. NEW BUSINESS

Mr. Johnson from the Bar addressed the EC. He will check on the effects, budgetary assessments and otherwise, of the change to FastCase, the research tool available on the Bar’s website.

The Executive Committee Meeting was adjourned by Chair Fisher at 1:30 p.m.

The time and place for the eighth meeting of 2010 will be Friday, September 10, 2010, at noon, at the Oregon State Bar offices in Tigard, Oregon.