

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
September 12, 2014**

I. CALL TO ORDER

Chair Jacqueline Jacobson called the Executive Committee (EC) to order at 12:05 p.m. at the offices of the Oregon State Bar.

Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald	X			
Caldwell, Katherine	X			
Chen, Bin	X			
Cole, Norm	X			
Edmunson, James			X	
Frost, Christine		X		
Harrell, Tom	X			
Jacobson, Jacqueline	X			
Lesh, Allison			X	
Ogawa, Jenny			X	
Olney, Kathryn			X	
Oswald, John	X			
Parks, Carol	X			
Schoenfeld, Steve		X		
Semple, Keith	X			
VavRosky, Dennis	X			
Wren, Geoffrey		X		
TOTAL	10	3	4	

II. MINUTES

A motion passed to approve the EC Minutes of the 07/11/14 meeting.

III. CHAIR'S REPORT

- Chair Jacobson informed EC that Ron Bohy did not get the Merit Award.
- Chair Jacobson then reminded EC that Rob Kinney is now working as a defense counsel with SAIF Corporation and that Rob was expected to join EC as a claimant representative.

Currently there are approximately 5 claimant's attorneys, 4 administrative law judges (including Judge Smitke) and 8 defense attorneys on EC. Therefore, EC discussed that the current composition is unfairly balanced in favor of defense.

EC was in agreement that the current composition of EC is a concern. It was noted that if Rob were to resign his pending seat on EC, then EC could appoint another claimant's attorney as a replacement. Chair Jacobson will talk with Rob Kinney to see how he wishes to proceed.

- EC agreed to extend invitations to join the section to the Bar's new fall admittees.
- Further discussion was had around the Lawyer Referral Service (LRS) and it was discussed that EC should come up with a new proposal to submit to BOG.
- Judge Ogawa sent an inquiry to Helen Hirschbiel regarding the section's member directory but had not yet received a response.
- Holly Somers and Joy Dougherty were open to amending the materials provided to unrepresented workers by the Board to include references to the directory and were going to coordinate any changes with Jennifer Flood.
- At the July meeting EC voted to authorize a new section website, with or without a directory, and EC was simply waiting on a proposal from Paul. Chair Jacobson will ask Judge Ogawa to follow up on the status of the proposal
- Chair Jacobson noted that the section only has one conference call number, which has been creating conflicts when different subcommittees wanted to meet at the same time. EC decided that once the section's new website was up it would include a central calendar to record meeting times so as to ameliorate these conflicts in the future.

IV. TREASURER'S REPORT

Treasurer Ron Bohy reported that the section account balance stood at \$30,186 as of 8/31/14.

The section currently has 344 members; EC budgeted for 339 members for this year. The section is 5 members above the number of members budgeted.

The estimated costs of this year's Bench/Bar Forum is \$5100.

The estimated costs of the section's new website is \$2000.

V. COMMITTEE REPORTS

A. Communications/Tech

Jovanna Patrick has agreed to write an article for the October newsletter, possibly an article on *SAIF v. Wild*.

B. Salishan

The committee is not renegotiating its contracts with Salishan; the section is locked into Salishan through 2017 and food costs are non-negotiable.

The committee has considered other venues but has yet to find a venue superior to Salishan.

C. Professionalism and Service Award of Merit

No report.

D. Legislative / Rules

Keith informed EC that WCD had formed an advisory committee to consider making changes to Department's rules in response to the recent *Schleiss*, *Brown* and *Carlos-Macias* cases. In particular the holding in *Brown* that the "compensable injury" is the work incident and not the condition(s) accepted by the insurer. The Department has proposed rule changes for Notice and Comment.

In addition, MLAC was planning on considering legislative proposal in light of the recent *Schleiss*, *Brown* and *Carlos-Macias* cases at its meeting on 09/19/14.

E. Access to Justice

The committee submitted its final draft of the legislative proposal following *SAIF v. Wild* to the Public Affairs Office.

The committee is still concerned that a number of medical providers are declining to treat patients for workers' compensation claims. The Medical Advisory Committee (MAC) had been looking into this, but recently tabled this matter with no current plans to revisit this issue. Steve, on behalf of EC, will draft a letter to WCD advising them of the significance of this issue for claimant's with input from Chris Frost who has some experience in dealing with MAC.

On the issue of cultural sensitivity training for IME physicians, the committee has reviewed several training DVDs but have to find a training that is on point.

F. Nominating Committee

No report.

G. Bench / Bar Professionalism Committee

The committee is going forward with digital materials for the Bench/Bar this year.

EC will meet at 10:30 am at the Bench/Bar site on 10/24/14 and will hold its October meeting in the meeting room already reserved for the Bench/Bar forum.

H. Going Forward

Steve was participating in a CLE with Larry Schucht on 09/25 for the Young Lawyer's Association of Multnomah County.

The committee was encouraging section members to volunteer to act as mentors for new admittees.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

None

VIII. ADJOURNMENT AND NEXT MEETING

The Executive Committee Meeting adjourned at approximately 1:10 p.m.

The next meeting will be at 10:30 a.m. on Friday, October 24, 2014 at the Oregon Gardens.