

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE MEETING

OF:

JULY 17, 2009

**I. CALL TO ORDER**

Chair Matthew L. Roy called the Executive Committee (EC) meeting to order at 12:15 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Present in person were: Matthew Roy (Chair), Dale Johnson (Secretary), Holly Somers (Past-Chair), and Members-at-Large Jackie Jacobson, Dennis VavRosky and Jennifer Roumell, and Suzanne Cushing (OSB liaison).

Present by telephone were: Matthew Fisher (Chair-Elect) and Members-at-Large Adam Stamper and Jim Edmunson.

Absent were: Julie Masters (Treasurer), Members-at-Large Rob Guarrasi, Art Stevens, Jill Riechers, Dean Lederer, and Chuck Mundorff, and Barbara DiIaconi (BOG liaison).

**II. MINUTES**

The minutes of the June 19, 2009 meeting were approved.

**III. CHAIR REPORT**

No report at this time.

**IV. TREASURER'S REPORT**

Treasurer Masters was absent. She will report at the August 21, 2009 meeting.

## **V. COMMITTEE REPORTS**

### **A. Salishan**

Jacobson reported. The committee has not met since the Salishan Conference and is presently inactive.

### **B. Communications**

Masters was absent. No report.

### **C. Daughtry Award**

Somers reported. Committee is inactive at this time. Mundorff had raised concerns at the June EC meeting about opening discussions about the Daughtry Award process this fall. Mundorff was absent. EC by consensus agreed to put this on the October EC meeting agenda. Secretary Johnson will remind the EC members within the minutes.

### **D. Legislative / Rules**

Roumell reported. The legislature passed bills affecting workers' compensation practice. There will be a Workers' Compensation Board (WCB) rule-making hearing on attorney fees on August 28, 2009, at 9:30 a.m. at the Board's Salem office.

### **E. Bench Bar / Professionalism**

Riechers was absent. No report.

### **F. Access to Justice**

Johnson reported. The committee met on July 13, 2009. The committee welcomed a new member, Steve Schoenfeld, a claimant's attorney in Portland. The committee contacted Aron Yarmo, claimant's attorney in Bend, and he is expected to join the committee for its August meeting. The committee is working with the EC's Bench Bar committee on the November 13, 2009 presentation. The Workers' Compensation Division's Ombudsman's Office reported to Johnson that the OSB's Lawyer Referral Service has told injured workers that workers' compensation claimant's attorneys are allowed to charge up to \$35.00 for an initial consultation. The committee felt this was not facilitating access to justice and decided to look into this matter. Chair of the committee, Bruce Smith, is continuing to review and analyze the results from the Access to Justice survey and will discuss his findings with the committee prior to formalizing the results for submission to the EC. The committee will meet again on August 10, 2009.

## **G. Going Forward**

Lederer was absent. No report.

## **H. New Technologies**

Stevens was absent. Somers reported. She had been in contact with Stevens and believed he had chosen Guarrasi, Masters and herself to assist him on the committee at this time.

Edmunson noted that the Oregon State Bar has discontinued Casemaker, a legal research tool, and has a new service, Fastcase. Casemaker provided access to WCB decisions without cost. In order to provide the WCB decisions within the Fastcase Library, a cost will be passed on to the section. OSB Chief Financial Officer Rod Wegener [fastcase@osb.org or (503) 431-6313] asked for the name of the EC contact person. Chair Roy felt that Stevens would be the best person for this duty because Stevens is the chair of the New Technologies committee. Johnson agreed to relay the information to Stevens.

## **VI. OLD BUSINESS**

Somers asked whether the EC had responded to WCB Chair Abigail Herman's April 14, 2009 letter (see April 24, 2009 minutes: New Business). Although the EC had addressed the Board Chair's request for insights about limiting travel for mediators during the April EC meeting, a written response had not been sent. Jacobson volunteered to write the letter on behalf of the EC.

Johnson's concern about the imbalance of claimant's and defense attorneys on the 2010 EC was tabled at Fisher's request, until the August or September meeting.

## **VII. NEW BUSINESS**

The EC discussed the lack of standing committee reports when the EC liaison is absent from the EC meeting. It was suggested that the EC liaisons who expect to miss the EC meeting give their reports to the Chair one week ahead of the EC meeting, so the Chair can report to the rest of the EC.

The next EC meeting is scheduled for Friday, August 21, 2009, at noon, at the OSB offices in Tigard, Oregon.

The Executive Committee meeting was adjourned by Chair Roy at 1:25 p.m.