

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

OF JUNE 10, 2011

I. CALL TO ORDER

Vice Chair Dale Johnson called the Executive Committee (EC) to order at 12:10 p.m. at the OSB office in Tigard, Oregon.

Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald	▲			
Cole, Norm	▲			
Donnelly, Kate			▲	On vacation
Edmunson, James	▲			
Fisher, Matthew		▲		
Guarrasi, Robert		▲		
Harrell, Tom		▲		
Jacobson, Jacqueline		▲		
Johnson, Dale	▲			
Masters, Julie		▲		
Mundorff, Charles			▲	Hearing in K Falls
Rock, Douglas		▲		
Roumell, Jennifer			▲	
Schoenfeld, Steven		▲		
Semple, Keith		▲		
Sencer, Nicholas	▲			
VavRosky, Dennis	▲			

II. MINUTES

A motion was made and seconded to approve the EC Minutes of May 13, 2011. The motion passed.

A motion was made and seconded to approve the Minutes of the Salishan Section meeting. The motion passed.

III. CHAIR'S REPORT

Chair Mundorf was absent and had no report.

IV. TREASURER'S REPORT

Julie Masters. Without Salishan expenses, revenue for Salishan was \$31,420, which is \$1,500 under budget. Expenses for Salishan were \$29,538.00. Total expenses reflect a net gain \$8,560.00 for the year. We have sufficient resources to pay for Bench/Bar later in the year.

V. COMMITTEE REPORTS

Salishan

J. Jacobsen reported. There are still some extra CD's and books we can sell. Julie Masters will send an e-mail to section members. The cost of written materials is likely to be \$20.00, to be purchased through the Bar's CLE section.

The Bar reportedly received a complaint from a section member who thought the lunch speaker at the Salishan conference was offensive. A section member suggested we review feedback forms to see what members said about her talk.

EC asked the Salishan Committee to prepare a report or summary of the feedback forms and a summary of known complaints outside of the feedback form. Also,

the Committee was asked to find out if the Bar awarded CLE credit for listening to the lunch speaker.

A. Communications

Julie Masters reported. We now have a newsletter from the Technology Committee.

It is not clear when the website for the section will be edited.

B. Daughtry Award of Merit

Matt Fisher reported. Committee members received positive feedback about the last selection and no complaints associated with recent allegations regarding Mr. Daughtry's conduct. The committee does not intend to discuss changing the name of the award unless directed to do so by EC.

Vice Chair Johnson asked if we had a record of prior winners of the Daughtry award.

C. Legislative / Rules

Jennifer Roumell was absent.

On June 23, 2010 the Board is holding a hearing regarding proposed attorney fee rules. The Board issued a notice to interested parties.

Vice Chair Johnson asked if the Legislative/Rules committee should be split. One committee would deal with legislation and another with rules. He asked EC members to think about this for discussion at the next meeting. Also, Vice Chair Johnson thought these committees should be more pro-active instead of waiting to do only those tasks directed to them by EC. There are now 10 members on the Legislative/Rules Committee. The Committee has not formally met for perhaps two years. In general, it is not the function of the committee to advocate positions, but the committee could be involved in providing information regarding proposed or enacted changes. It is possible the Committee has not been aware of

its mission statement and therefore has not been acting in compliance with that statement.

D. Bench / Bar Forum

Tom Harrell reported. The bench/bar forum will be held November 4, 2011. Committee is investigating Oregon Gardens as an alternative location for the forum. They have given a quote approximately \$1,000 less than the former location. A bar attorney reviewed the proposed agreement and had some reservations about some of the terms. Bar attorney is discussing the contract with Oregon Garden (www.oregongarden.org) and hopes to work out the differences. This is a new facility. The committee anticipates the sound system will not generate any complaints.

One topic has been set: "Ethical litigation." Presenters will be Gary Wallmark, Chris Moore, Margaret Weddell, and Greg Lowell.

Donna Garaventa may be willing to do a panel on ethics of mediation.

Chief Justice DeMuniz may be the lunch speaker. His calendar for that date is uncertain. He would like to participate. If he cannot commit by the end of the month the committee will look for another speaker.

An EC member questioned whether the committee should have independent authority to select the venue (versus seeking EC approval). This developed into a discussion of the extent to which each committees decisions require EC approval.

The committee was directed to report next month the relative merits and costs of the two locations.

E. Access to Justice

Dale Johnson reported. The committee has reviewed some of the Board's pamphlets and has discussed new versions or new pamphlets that have language less likely to scare readers and more likely to encourage use of attorneys. EC anticipates it will review the new language after fully drafted.

WCD and rules are silent regarding who should pay for interpreters needed when workers are deposed as part of the reconsideration process. The insurer pays for the deposition, but there is uncertainty regarding who pays for pre-deposition preparation time.

An EC member noted some workers still believe attorneys will require payment from workers for their services. The revised pamphlets should emphasize workers pay nothing for services but may be responsible for costs.

F. Going Forward

Nick Sencer and Rob Guarassi reported. “How to try a WC Case” CLE is planned for October 20, 2011. This will build on the “Nuts and Bolts” presentation offered at Salishan. It will have three two-hour segments. There will be a video demonstration of a hearing, to be taped in late August. It will be offered through the Bar at the OSB Center. The Bar is paying for a large portion of the cost (perhaps 90% or more). Reporting members were uncertain how much the Section will owe.

G. New Technologies

Rob Guarassi reported. The committee has sent out two newsletters, “Tech News Tuesday,” sent first Tuesday of each month. Rob prepares it on his I-Pad, circulates it to committee members, consults with the Board, and then distributes it. It takes 3-5 days from draft to publication.

Marty Alvey may be interested in joining the committee. Rob Guarassi will discuss with him and offer membership.

H. Nominating

Dale Johnson reported. The committee is encouraging standing committees to see if new members can be encouraged to participate in committee business.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

EC agreed we should obtain and review mission statements from all committees. Dale Johnson will contact committee chairs and liaisons and will try to locate the mission statements.

EC would like Chair Mundorff to contact Jennifer Roumell to discuss whether she wants to continue serving as an EC member. From October 2010 through June 2011 she is recorded in minutes as being absent seven times and present one time. (Salishan meeting in May 2011 did not have facilities for calling in to the meeting.)

It was moved and seconded to meet in July and not August. The motion passed.

VIII. ADJOURNMENT AND NEXT MEETING

The Executive Committee Meeting adjourned at 2:00 p.m..

The next meeting will be at 12:00 p.m. on July 8 , 2011, at the Oregon State Bar office in Tigard, Oregon.