

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

February 11, 2011

I. CALL TO ORDER

Chair Mundorff called the Executive Committee (EC) to order at 12:10 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Committee members attending or absent were:

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

II. MINUTES

A motion was made and seconded to approve the Minutes of January 14, 2011. The motion passed.

III. CHAIR'S REPORT

If the EC wants to meet outside of Portland, the only location that will accommodate the EC is the Salem office of the WCB.

Legislative rules committee is recruiting new members.

IV. TREASURER'S REPORT

We have the end of the year report from the Bar. Year end net revenue equals \$109.00. Ending balance \$14,224.00. Salishan was under budget.

V. COMMITTEE REPORTS

A. Salishan

J. Jacobson reported all presentations and topics were pretty much put together. Deadline for receipt of speaker materials is April 1, 2011.

B. Communication

Nothing to report.

C. Daughtry Award of Merit

Matt Fisher reported. The committee was concerned about naming the award after Doug Daughtry in light of allegations -- not yet proven -- of improper conduct while in office. Matt received three nominations for the award but received double that number of e-mails raising concern about issuing the award this year. Suggestions included changing the name of the award or not presenting an award this year. The committee unanimously recommended no award be offered this year. If the EC rejects this recommendation, the committee is prepared to review the three nominees and offer a recommendation.

Dennis VavRosky moved to accept the sub-committee's recommendation. The motion was seconded. In discussion, members asked if the EC should first decide if any nominees merits the award. There have been years when no award was presented offered because no nominee satisfied the award criteria. Some thought it was premature to take any action. We do not know the specifics of the allegations but if they are substantiated perhaps it will be necessary to rename the award. Whatever may or not be true about the allegations should not diminish the value of the award to prior recipients. Taking action based on unproven allegations might be interpreted as giving credence to those allegations. The award is about the conduct of the recipient, and regardless of the controversy raised by the allegations, the significance of the award to the recipient should not be diminished by reason of the controversy.

Another member thought business as usual was not appropriate in deference to some section members who have strong feelings on this subject. Another member noted an allegation proves nothing. These type of complaints frequently are settled, and is possible nobody will know the outcome.

The motion failed: 3-4-2 (yes-no-abstain). Therefore, the committee will meet again and return with a recommendation.

D. Legislative / Rules

J. Roumell reported by e-mail. The Committee is watching bills in the legislature, but it is early.

SB665. Requires employer of Tier 1 or 2 members to make contributions when receiving TTD.

HB 2319: Establishes a process for random external file reviews in certain workers' compensation claims. Limits IME to one from worker and one from employer.

HB 2349: Establishes some presumptions related to blood borne pathogens.

HB 2811: Eliminates requirement for rules for physicians conducting IMEs.

E. Bench / Bar Forum

Tom Harrel was not present. No report.

F. Access to Justice

Committee will meet next Monday.

G. Going Forward

Nick Sencer reported. The committee met and agreed to set a date for a "Nuts and Bolts" seminar on October 21, 2011. Speakers and topics are still under discussion but it would concentrate on basic information for young or new practitioners.

Rob Guarrasi received information from the Bar regarding bar co-sponsorship of this type of seminar. The only date the Bar can co-sponsor is October 21. This probably would be at the Bar center or at a Doubletree Motel. The note from the Bar will be attached to the minutes.

H. New Technologies

Rob Guarrasi had nothing to report.

I. Nominating

Dale Johnson reported. An e-mail was distributed to section members seeking people interested in openings on committees. The committee hopes to receive information about geographic distribution of committee members to facilitate diversity and appropriate representation when making new appointments.

VI. OLD BUSINESS

Chair Mundorff returned to the issue of whether the Section can provide gifts to section members who provided special services to the section. Amber Hollister, Deputy General Counsel, discussed statues and rules concerning receipt of gifts and distributed pages 26-37 from the Public Official Guide, adopted October 2010 EC members are considered public officials for purposes of the Oregon Ethics Law. The umbrella issue is whether, but for membership on the committee, some type of special treatment would be offered. Public officials cannot solicit or receive gifts worth more than \$50 from any source. There are several gift exemptions.

Lodging at Salishan offered to EC members or section members who speak or help run the program does not violate the law.

The section can give a \$50.00 or less gift to section members in recognition of their service without violating any law.

EC members might not be able to accept a raffle prize in excess of \$50.00, such as a night at Salishan, offered per a drawing at a conference sponsored by the Section.

In general, offering plaque and certificates will not cause problems.

Moved and seconded: With exception of the Daughtry award and Salishan, all expressions of appreciation to section members must be in the form of certificates and plaques. The motion was tabled.

VII. NEW BUSINESS

None.

VIII. ADJOURNMENT AND NEXT MEETING

The Executive Committee Meeting adjourned at 1:30 p.m.

The next meeting will be on March 11, 2011 at the Oregon State Bar office.