

**MINUTES OF THE WORKERS' COMPENSATION SECTION  
EXECUTIVE COMMITTEE  
OF DECEMBER 9, 2011**

**I. CALL TO ORDER**

Chair Dale Johnson called the Executive Committee (EC) to order at 12:14 p.m. at the Oregon State Bar office in Tigard, Oregon.

Committee members attending or absent were:

<b>Exec Board Member</b>	<b>Present in Person</b>	<b>Present by Phone</b>	<b>Absent</b>	<b>Comments</b>
Bohy, Ronald	▲			
Cole, Norm	▲			
Donnelly, Kate	▲			
Edmunson, James		▲		
Fisher, Matthew	▲			Wants to present early
Guarrasi, Robert	▲			
Harrell, Tom				
Jacobson, Jacqueline		▲		
Johnson, Dale	▲			
Masters, Julie			▲	Out of town
Rock, Douglas			▲	
Schoenfeld, Steven	▲			
Semple, Keith	▲			
Sencer, Nicholas	▲			
VavRosky, Dennis	▲			

**II. MINUTES**

A motion was made and seconded to approve the EC Minutes of November 4, 2011.  
The motion passed.



### **III. CHAIR'S REPORT**

Dale Johnson.

Chair Johnson filed the annual report for the section. A condensed version is available on line. A longer version will be given to the Salishan committee.

Chuck Mundorff's family will be approached to determine their preference when Chuck's work is recognized at the next Salishan conference. The Salishan committee will investigate the possibility of providing lodging for the family at Salishan if they wish to attend the presentation.

Liaison for standing committees were instructed to submit a roster so the Chair can appoint a new chair and committee members for 2012. Liaison should include recommendations for committee members.

We will continue to meet the second Friday of every month, beginning January 13, 2012. There will be no meeting in August, and the May meeting will be at Salishan.

Bill Replogle will provide a status report regarding the Access to Justice Committee. The report probably will be in January or February.

### **IV. TREASURER'S REPORT**

Julie Masters.

Julie was absent, but the end of the year balance is very close to the amount budgeted.

### **V. COMMITTEE REPORTS**

#### **A. Salishan**

Mission Statement: The mission of the Salishan Committee is to organize and deliver quality continuing legal educational topics/credits, focusing on topics relevant to the practice of law and workers' compensation law of Oregon.

Ron Bohy reported for Linda Conratt, who is chair of this committee. The committee has been meeting and will soon send a “save the date” e-mail to section members. Tentative lineup includes:

- Judge DeMuniz for keynote speaker;
- Evidence presentation by Judge Michael McShane;
- Employment law presentation by Chris Slater on workers' compensation discrimination, wrongful discharge, and related topics'
- Judge Wollheim presentation on course and scope;
- Medical presentation by Dr. Albright on addiction and medical terminology or Dr. Borman or perhaps Dr. T. J. Rosenbaum;
- ARU presentation on tips and tricks developing the record on work disability;
- Legal update from Dave Runner and Greig Lowell.

The committee will not to anything acknowledging Judge DeMuniz' retirement.

Proposals from Salishan for 2015-2016 were received and distributed previously by e-mail. It was moved and seconded to approve the proposals. Motion passed. The Bar's legal counsel will participate in negotiation of the details.

## **Communications**

Mission Statement: The purpose of the Communications Committee is to develop and maintain the section's web site and the newsletter.

Julie Masters.

No report. Absent.

## **B. Daughtry Award of Merit**

Mission Statement: The purpose of the Douglas W. Daughtry Award of Merit Committee is to review nominations for recommendation of a Section members to the Executive Committee to be a recipient of the award who demonstrates commitment to the

highest standards of professionalism, honesty, integrity, and a willing adherence to the highest ethical standards, while making outstanding contributions to the Section and the hearing process.

Matt Fisher

Deadline for submission of nominations is February 10, 2012.

At the March meeting, the committee will report its recommendations and discuss materials submitted in support of a nominee.

The committee decided it would not automatically select Chuck Mundorff as recipient of the award.

The committee recommends no immediate change in the name of the award but believes consideration should be given to renaming the award to acknowledge what it is without referencing a person. A member suggested consideration of an additional award, such as the Mundorff Professionalism Award, or an award for general community service. The committee was asked to consider these issues and present its recommendations to EC at the January meeting.

**C. Legislative / Rules**

Mission Statement: The purpose of the Legislative and Rules Committee is to monitor passage of new legislation and rules; advise the Executive Committee regarding the advisability of passage of proposed legislation and rules after reaching a consensus and identifying the underlying reasoning; and review the current workers' compensation laws and rules in consideration of the development of legislative and rule concepts to be sponsored by the Section.

Additional Mission Statement: The purpose of the Rules Committee is to monitor the potential promulgation of the new rules by the Workers' Compensation Board and the Department; advise the Executive Committee regarding the advisability of promulgation of the proposed rules after reaching a consensus and identifying the underlying reasoning; and review the current rules of the Board and the Department in consideration of suggestions for improvement and the formulation of specific suggestions.

New Mission Statement approved in December 2011 meeting: The purpose of the Legislative and Rules Committee is to monitor passage of new legislation and rules; advise the Executive Committee

regarding proposed legislation and rules, including identification of the underlying reasoning and the potential impacts on claimants, insurers and self--insured employers, and affected agencies; and, recommend legislative and rule proposals regarding workers' compensation that the Section may seek to sponsor through the Bar.

Jim Edmunson.

The committee reviewed a proposed new mission statement based on Jim Edmunson's draft.

It was moved and seconded to approve the new mission statement, as follows:

The purpose of the Legislative and Rules Committee is to monitor passage of new legislation and rules; advise the Executive Committee regarding proposed legislation and rules, including identification of the underlying reasoning and the potential impacts on claimants, insurers and self--insured employers, and affected agencies; and, recommend legislative and rule proposals regarding workers' compensation that the Section may seek to sponsor through the Bar.

The motion passed.

The committee has not yet evaluated the prior referral from the Access to Justice Committee regarding fees for interpreters, although the proposal was distributed.

**D. Bench / Bar Professionalism Committee**

Mission Statement: The purpose of the Professionalism Committee is to advance the interests of professionalism among the members of the Section by sponsoring the Bench Bar Forum and, on occasion, other seminars and programs which afford an opportunity for education and discussion.

Tom Harrell

Tom was absent. Before the meeting he sent the chair a list of goals and outcomes. General consensus was the venue was acceptable, lunch service was faster, even if the food was not exceptional, the cost was less than the prior venue, and the program was informative.

**E. Access to Justice**

Mission Statement: The purpose of the Access to Justice Committee is to increase access to justice in workers' compensation matters. The committee serves this mission by striving to increase the diversity of the Workers' Compensation Section, by educating the Section about the diversity of the clients they serve, and by developing and implementing initiatives to remove barriers to justice in workers' compensation matters.

Steve Schoenfeld

At the October meeting the committee asked EC for permission to ask WCD to pay for an interpreter per OAR 436-030-0115(4) (depositions of workers for the reconsideration record), in light of interpreter rules in OAR 436-009-0110 through -0185. It was moved and seconded (as amended) to allow the committee to send the proposed letter to WCD, but with the proviso the insurer only pays for the interpretive services during the deposition. Instead the issue was referred to the Legislative/Rules committee for their consideration and advice, for consideration by EC at the December meeting. It was moved and seconded to approve submitting the proposed letter. The motion passed.

**F. Going Forward**

Mission Statement: The purpose of the Going Forward Committee is to study and investigate whether workers' compensation practice in Oregon is declining and if so to formulate ways to sustain a workers' compensation practice in Oregon.

Steve Schoenfeld

Evaluations following the recent seminar were positive. Both Rob Guerassi and Steve Schoenfeld received calls from young attorneys after the seminar requesting advice regarding workers' compensation matters they had decided to accept.

**G. New Technologies**

Mission Statement: The purpose of the New Technologies Committee is to consider, prioritize and implement technological improvements that may benefit section members by consulting with attorneys, parties, and WCB/other forums. And to educate members on how to implement technological improvements that will increase efficiency, save costs, and promote environmental sustainability.

Rob Guarrasi

The Board has appointed an advisory committee regarding technology and has had one meeting thus far. The advisory committee is encouraging the Board to require electronic transmission of transcripts and other documents whenever possible and to allow electronic signatures. Regarding discovery, some attorneys representing workers

complain a transmission by e-mail forces them to pay for copies, violating the rule requiring discovery at no expense. Therefore, one EC member suggested that rule may need revision.

## **H. Nominating**

Mission Statement: The nominating committee reviews and nominates candidates for service on the Workers' Compensation Executive Committee.

### Chair Johnson

The committee will meet with the Chair by the end of the year to discuss responses received after a list-serve e-mail solicited interest in committee participation.

## **VI. OLD BUSINESS**

None.

## **VII. NEW BUSINESS**

Contact information for new EC members is as follows:

G. Duff Bloom  
Workers' Compensation Board  
131 E Main St Ste 200  
Medford OR 97501

Phone [541 776-6217](tel:5417766217)

Fax [541 776-6252](tel:5417766252) (only with prior permission)

Email [duff.bloom@state.or.us](mailto:duff.bloom@state.or.us)

John Oswald

Bottini Bottini & Oswald PC

6420 SW Macadam Avenue, #214

Portland, Oregon 97239

Phone 503-244-0064

Fax 503-293-6637

[oswaldlaw@hotmail.com](mailto:oswaldlaw@hotmail.com)

Dennis VavRosky will find out if attendance at EC meetings entitles participants to CLE hours.

Chair Johnson expressed appreciation to EC members, committee members, and others in the section to provided assistance throughout the year, especially in light of Chuck Mundorff's death.

#### **VIII. ADJOURNMENT AND NEXT MEETING**

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

The next meeting will be at 12:00 p.m. on January 13, 2012, at the Oregon State Bar office in Tigard.

Enc: