

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
OF JUNE 8, 2012**

I. CALL TO ORDER

Chair Dale Johnson called the Executive Committee (EC) to order at 12:12 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
Bloom, G. Duff			X	Mediation
Bohy, Ronald	X			
Cole, Norm	X			
Edmunson, James	X			
Kehoe, Matthew			X	
Fisher, Matthew	X			
Guarrasi, Robert		X		
Harrell, Tom			X	Work Conflict
Jacobson, Jacqueline	X			
Johnson, Dale	X			
Masters, Julie		X		
Oswald, John	X			
Parks, Carol			X	Attending CLE
Rock, Douglas			X	Family Obligation
Schoenfeld, Steven		X		
Semple, Keith			X	
Sencer, Nicholas	X			
VavRosky, Dennis	X			

II. MINUTES

A motion passed to approve the EC Minutes of the May 11, 2012 meeting.

III. CHAIR'S REPORT

Dale Johnson

Chair Johnson invited speakers from the OSB Lawyer Referral Service to discuss changes to the program. The primary change in effect as of July 1, 2012 requires a 12% referral fee from participants in the program. The purpose of the change is to reverse a budget deficit created by the program as determined by the BOG. Concerns were expressed by many members that the referral fee is too costly on workers' compensation cases, and may result in increased lack of access to justice for injured workers. The lawyer referral service may consider changes to the program in the future including creating a modest means panel for workers compensation cases (currently exempt from the referral fee requirements), or instituting a threshold fee amount earned before applying the referral fee requirement.

IV. TREASURER'S REPORT

The treasurer has received the financial statement from the end of April 2012 from the OSB. The May 2012 statement will be more accurate as it should reflect amounts paid related to Salishan expenses. Treasurer expects budget to come out even.

V. COMMITTEE REPORTS

A. Salishan

The following report was provided by liaison Ron Bohy on June 8, 2012 via e-mail:

“First, Salishan XXX was a rousing success. Big kudos to Linda Conratt and her CLE Committee (i.e., Jim Bailey, Allison Lesh, Geoff Wren, Jackie Jacobson, Rob Kinney, Sally Curey, and Sommer Tolleson) for the great job they did.

Second, we had 172 registered for Salishan XXX (i.e., 166 pre-registrations, 6 registrations at the door, and 2 cancellations). The budget was for 180 registrants. The average the last few years has been 178 to 184. Speculation as to why there

was a lower turn out? The WCB staff attorneys did not turnout as they normally do and there was lower turn out from some of the defense firms.

Third, we do not have a final accounting from the OSB.

Fourth, the CLE Committee approved an honorarium of \$500 to Judge McShane for his presentation.

Fifth, the CLE Committee received 22 evaluation responses out of 172 registrants (i.e., less than 13%). Overall, the comments were that Salishan XXX was “a great program,” “an excellent program,” “the best we have ever had,” and “the best in sometime.” On the speakers, they were overall well-received (i.e., based on content presentation, materials, and balance). However, Judge Wollheim did get lower marks. Some general comments were: Dr. Borman’s presentation was too basic; cut off speakers when they go over; time needs to be reserved for doctor questions/answers; and the program needs more female speakers. On the food, the comments were all favorable (i.e., based on selection, taste, presentation, variety, and services) although we had some verbal criticisms/comments (e.g., Dennis VavRosky) on the food. Brian Whitehead’s beer was a hit.

Sixth, the deposit is being made for Salishan XXXI.

Seventh, the CLE Committee has not met since Salishan. Linda Conratt is firming up the CLE Committee members for next year as she will continue to be the Chair.

Eighth, there was a switch in the vegetarian lunch. The Salishan cook did not order the right food and switched it on his own at the last minute. Salishan has refunded the Section \$240 which equals 50% of the meal charge for the vegetarian entrée.

Ninth, the CLE Committee did discuss the lack of female speakers during the planning and will keep this in mind for next year. Other lessons for next year are: include the agenda with the CD folder; refine the CD process including whether it is sent in advance via e-mail and to whom; have the speakers test run their programs the morning of their presentation; and emphasize golf as no one signed up.”

B. Communications

No report.

C. Daughtry Award of Merit

No report.

D. Legislative / Rules

Chair Edmunson will be attending the June 15, 2012 MLAC meeting. The Board is asking MLAC to amend the statute to allow it to promulgate rules regarding electronic transmission of documents.

E. Bench / Bar Professionalism Committee

The CLE will be held in the same room at Oregon Gardens as 2011. The committee expressed concerns that if a fee is charged, we may receive a lower turnout and was considering an expansion of the topics. A diversity topic was suggested regarding human trafficking.

The executive committee passed a motion to authorize the Bench Bar committee to address topics related to access to justice or child abuse reporting as long as an ethics credit was awarded and there was some relationship to workers' compensation and/or professionalism. The human trafficking topic was not approved.

F. Access to Justice

The committee met on June 6, 2012, and is currently working on the Workers' Compensation Division's brochure to make injured workers more aware of the lawyer referral service and the state ombudsman's office.

G. Going Forward

The committee is in the process of communicating with the young lawyer's division of the Multnomah Bar Association regarding CLE opportunities, and also investigating the OSB's brown bag lunch series.

H. New Technologies

Rob Guarrasi will be attending the June 15, 2012 MLAC meeting with Jim Edmunson.

I. Nominating Committee:

No report.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

Chair Johnson proposed setting aside time in the future to discuss what we should do as a section, if anything, in lieu of the lawyer referral service. The chair also

suggested further discussion as to whether the section needs to get more specific in a recommendation to the OSB regarding a threshold and cap for referral fees.

VIII. ADJOURNMENT AND NEXT MEETING

The Executive Committee Meeting adjourned at approximately 1:35 p.m.

The next meeting will be at 12:00 p.m. on September 14, 2012, at the Oregon State Bar offices in Tigard, Oregon.