

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

OF:

JUNE 11, 2010

I. CALL TO ORDER

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

Present in person were: Chuck Mundorff (Chair-Elect), Matthew Roy (Past-Chair), Dale Johnson (Secretary), and Members-at-Large Rob Guarrasi, Dennis VavRosky, Ron Bohy, Norm Cole, Steve Schoenfeld, and Jacqueline Jacobson, and OSB liaison Kes Joerg.

Present by Telephone were: Matthew Fisher (Chair), Julie Masters (Treasurer), and Members-at-Large Adam Stamper, Keith Semple, and Nick Sencer.

Absent were: Members-at-Large Jennifer Roumell, Jim Edmunson, and Kate Donnelly.

II. MINUTES

A motion was made and seconded to approve the Minutes of May14, 2010. The motion passed.

III. CHAIR'S REPORT

Chair Fisher reported. The previously scheduled July 9, 2010 EC meeting has been cancelled by majority vote. The next scheduled EC meeting will be on August 13, 2010 at the OSB offices.

Chair Fisher noted that the deadline for nominations for OSB Awards is July 23, 2010. He encouraged the EC membership to submit nominations of worthy section members.

IV. TREASURER'S REPORT

Treasurer Masters reported. Section revenues, as of May 31, 2010 were \$33,190.00, representing about \$3,500.00 under the 2010 budget. The expenses for the annual Salishan Conference, \$29,500.00, were also below the budgeted amount of \$34,000.00. Section Membership this year is 350, 18 below the projected figure of 368.

Masters told the EC she would determine the charge for the written Salishan materials. It was recalled that the 2009 difference between written and CD versions was about \$20.00. [Post meeting, Masters determined that the written materials cost \$2,873.47, not including \$125 to ship them to Salishan. OSB Controller Michelle Peterson estimated that the cost for CDs will be \$2.10 per CD plus any Design Center time. At that rate the Salishan materials would have cost about \$385.00, including Design Center time for the 183 copies. The savings would have been about \$2,488.00. Further, this is the only rate; there is no price break based on the number of copies done in the Bar's own print shop.]

EC Members discussed the need for more information about the cost differences before deciding what options would be offered and the amounts charged at the next Salishan Conference. A motion was made and seconded to table further discussions about the choices/charges for Salishan materials until the August EC meeting. The motion passed.

V. COMMITTEE REPORTS

A. Salishan

Jacobson reported. The committee has been working with Salishan to lock-in the same rates for rooms, the conference room (use with \$15,000 in food and beverages) for 2013 and 2014. A motion was made and seconded to approve the contract for 2013 and 2014. The motion passed.

The 2011 Salishan Conference is scheduled for May 13 and 14. The second weekend in May will not conflict with the WCB's furlough date of May 20, 2011.

Jacobson will make a presentation at the August EC meeting with regard to the use of CDs, formatting, and whether the Salishan materials can be made available through the Bar's website before the Conference, so attendees could print portions of the materials at their option.

B. Communications

No report.

C. Daughtry Award

No report.

D. Legislative / Rules

Roumell emailed her report to the EC membership, although she could not attend the EC meeting. The standing committee is working with Board Chair Abbie Herman to review OAR 438 rules for rulemaking. Roumell asked that EC members forward comments to her and she would have the committee review them.

E. Bench / Bar Forum

Donnelly reported. No committee activity yet. Some EC members wondered whether the costs could be reduced by using digital media.

F. Access to Justice

Johnson reported. The committee welcomed ALJ Jenny Ogawa as its newest member. The committee continues to discuss the new medical interpreter rules and is looking into possible revisions of WCD booklets that fail to address the advisability of legal representation at various stages of the workers' compensation process.

G. New Technology

Guarrasi reported. The committee members (Guarrasi, Masters, Ray Smitke and Presiding ALJ Holly Somers) met and developed its mission statement. The committee's mission statement is: "Consider, prioritize, and implement technological improvements that may benefit section members by consulting with attorneys, parties, and WCB/other forums. Educate section members on how to implement technological improvements that will increase efficiency, save costs and promote environmental sustainability."

The committee discussed possible OAR 438 rule changes (comments to Chair Abbie Herman due by July 30th) that would streamline practice, save WCB postal expenses, etc. The committee will work with the Legislative/Rules committee on these changes.

Fisher suggested that Guarrasi and Masters email rule change comments to Fisher for forwarding to the EC membership. The EC would vote via email before July 30th. Fisher would then communicate the EC's comments to Chair Herman.

H. Nominating

Johnson suggested to Fisher that the committee be charged with the additional duty of development, within the next 90 days, of a list of individuals who are interested in serving on the EC and on its various standing committees. The purpose would be to have in hand well before the nomination deadline each year, names of potential nominees and their geographic areas, firm names, type of practice and other issues of diversity. Fisher said he would email the charge to the committee (ALJ Jill Riechers, Dean Lederer and Phil Garrow).

I. Going Forward

Sencer reported. The defense bar co-chair is Rodger Hepburn. EC member Schoenfeld volunteered as the claimant's bar co-chair. The committee is looking into producing a mock hearing for new workers' compensation lawyers, mentoring programs and CLEs. The committee is interested in partnering with the Professional Liability Fund on a CLE at a lesser cost to the Section. The committee is debating whether it can proceed with the commitment to OSB MCLE to put on a basic skills CLE. Per OSB liaison Joerg, OSB would bear the costs.

The committee's goal is to do something positive by the end of this year.

VI. OLD BUSINESS

Previous discussion about providing some form of assistance for ALJs and Board staff to attend Salishan was tabled until the August meeting. In preparation for those discussions, Fisher will ask Presiding ALJ Somers if there is a prohibition against allowing ALJ's to attend at reduced costs. Fisher will also ask Masters to determine the effects of increased membership dues.

VII. NEW BUSINESS

No new business was raised.

The Executive Committee Meeting was adjourned by Chair Fisher at 1:25 p.m.

The time and place for the seventh meeting of 2010 will be Friday, August 13, 2010, at noon, at the Oregon State Bar offices in Tigard, Oregon.