

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE MEETING

OF:

April 24, 2009

I. CALL TO ORDER

Chair Matthew L. Roy 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: Matthew Roy (chair), Matthew Fisher (chair-elect), Holly Somers (past-chair), Dale Johnson (secretary), Rob Guarrasi, Dean Lederer, Chuck Mundorff and Suzanne Cushing (OSB liaison).

Present by telephone were: Julie Masters (treasurer), Art Stevens, Jim Edmunson, Jill Riechers, Jennifer Roumell, and Jackie Jacobson.

Absent were: Dennis VavRosky, Adam Stamper and Barbara DiIaconi (BOG liaison).

II. MINUTES

The minutes of the March 20, 2009 meeting were approved.

III. TREASURER'S REPORT

Treasurer's report tabled until the next EC meeting. Treasurer Masters will present a report to the entire section during the Annual Meeting.

IV. COMMITTEE REPORTS

A. Daughtry Award

Past-chair Somers presented the committee's recommendation to the EC. The EC discussed the four nominations before the committee, the information and criteria discussed by the committee, the committee's final recommendation, and the reasons for its recommendation. Following a lengthy discussion, it was moved and seconded to approve the committee's recommendation of 1) making the award this year and 2) presenting the award to Deborah L. Sather. The motion passed by majority vote. Somers will arrange for the plaque. Matt Roy will contact the nominator, who will, in turn, notify Ms. Sather. The Salishan chair Curey will be notified. [Note: Somers has researched the recent history for obtaining the Award plaque. For future reference: Martin Alvey's plaque was obtained from Klein Jewelers, downtown Portland on SW Washington (503) 226-6748. Duff Bloom's plaque was produced by Chuck's Trophies, (503) 228-8530. The economical choice was Chuck's Trophies.]

B. Nominating Committee

Chair Roy explained the nominating task before the EC, with input from Chair-elect Fisher. The OSB standard section by-laws were reviewed. Nominations were moved and approved for the 2010 EC officers as follows: Chair: Matt Fisher; Chair-elect: Chuck Mundorff; Secretary: Dale Johnson; Treasurer: Julie Masters. All are for one-year terms ending 12-31-10.

Current Member at Large positions with terms continuing until 12-31-2010: Jim Edmunson, Jackie Jacobson, Dennis VavRosky, and Adam Stamper. These positions will not be on the slate for the Annual Meeting.

Member at Large positions nominated and approved for term ending 12-31-11: Rob Guarrasi and Jennifer Roumell. The nominees will be on the slate.

Open Member at Large positions to be filled by nominations prior to the Annual Meeting, May 15-16, 2009 were discussed. Matt Fisher to contact claimant's attorneys to gauge their interests in joining the EC. Jill Riechers to contact

defense attorneys. Holly Somers will contact the ALJs. Prospective nominees would then be directed to contact Chair Roy. Chair Roy will discuss nominees at the next EC meeting, an hour before the Annual Meeting begins.

A draft notice of the nominees must be filed by April 27, 2009, according to Suzanne Cushing. It need not be complete. It can be completed orally at the Annual Meeting.

C. Going Forward

Dean Lederer reported. The committee is still investigating the specific problems that explain the shrinking number of claimant's attorneys over the past eleven years. The committee will request information (barriers to increasing the number of claimant's attorneys and potential solutions) from the Section membership. For example, Betsy Wosko will insert a questionnaire into the Salishan materials, through Sally Curey. Lederer stated that the committee's goal is to provide the EC with specific solutions, after studying the specific problems. An informative discussion followed, led by members Stevens and Guarrasi, about the problems faced by claimant's attorneys.

D. Bench Bar / Professionalism

Jill Riechers reported. She received the contract for the November 13, 2009 Bench Bar Forum from Willamette Valley Vineyards. She will forward the contract to OSB for approval.

Riechers noted that Access to Justice committee members have contacted her and are taking an active role in putting together a panel discussion for the Bench Bar forum. In addition, a Child Abuse Reporting credit has not been offered for several years. Riechers approached Helen Hirschbiel of OSB and she indicated a willingness to make the Child Abuse Reporting presentation.

E. Access to Justice

Dale Johnson reported. Access to Justice committee met on April 13, 2009. The committee lost a committee member, Adriana Ortega, and is hoping to recruit a

new member. The committee has composed a survey which it wants to have distributed over the section website with the help of Julie Masters. The committee hopes to have results from the survey prior to the Annual Meeting. The committee is studying the interpreter at hearing concerns that were previously raised in ALJ Somers' 1/20/09 email (see, January 30, 2009 EC meeting minutes). ALJ Smith and ALJ Kekauoha will take the lead on that issue. The committee will continue to work on the Bench Bar panel discussion presentation.

F. Salishan

Chuck Mundorff reported. The materials are going to the printer on Monday, April 27, 2009. So far, 70 people have signed up for the conference. \$2,950 in donations have been received and further donor contact is anticipated. Food prices have decreased. The standard rooms are sold out. Discussion was held about the recent passing of claimant's attorney David Vinson. A brief, from the podium, presentation will be made at the Annual Meeting. Johnson suggested that the time for an entry in this year's publication may be insufficient, but the Salishan committee should discuss devising an In Memoriam format for future Salishan publications that provides guidelines for length and content. Mr. Vinson's passing should be formally acknowledged in next year's publication.

V. NEW BUSINESS

Chair Roy reported that Board Chair Herman wrote an April 14, 2009 letter with regard to video hearings. Purchasing equipment is not a viable option at this time, but research into the feasibility of video hearings will continue. The investigation will involve 1) observing a Social Security hearing done by video conferencing; 2) requesting a demonstration from the Oregon Judicial Department; and with the consent of the parties, 3) performing an actual video hearing for a prison inmate in Salem or Ontario.

Chair Roy reported that Board Chair Herman wrote a letter about sustainability, asking the EC to provide thoughts or insights about limiting the choice of mediators to reduce the amount of travel. Guarrasi noted that mediation is so personality driven that choosing an appropriate mediator for the client is an

important consideration. Riechers said, based on her work in insurance defense, the same is true from the defense perspective, but the Board has a good point about the miles driven. Jacobson and Roy agreed that mediation is probably not likely to happen unless the mediator of choice is available. Chair Roy suggested that the EC members write down their thoughts for further discussion at the next EC meeting.

Chair Roy reported that EC must submit information (e.g. postcard) about our section, to be given to new OSB admittees, by Friday, May 8, 2009. Chair Roy will discuss the options with Communication committee chair Masters.

Chair Roy received a letter from the Oregon Minority Lawyers Association (OMLA) dated April 2, 2009 seeking our section's attendance/donation at OMLA's Summer Social and Auction Fundraiser on July 23, 2009. Secretary Johnson to follow-up.

The next EC meeting is scheduled for Friday, May 15, 2009 at 11:00 a.m. at the Salishan Spa and Golf Resort, Gleneden Beach, Oregon. [Conference room to be determined.]

The Executive Committee meeting was adjourned by Chair Roy at 1:50 p.m.