

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

OF:

SEPTEMBER 25, 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), Julie Masters (Treasurer), and Members-at-Large Rob Guarrasi, Dean Lederer, and Dennis VavRosky, and Suzanne Cushing (OSB liaison).

Present by telephone were: Dale Johnson (Secretary), and Members-at-Large Jim Edmunson and Jackie Jacobson.

Absent were: Members-at-Large Art Stevens, Jill Riechers, Jennifer Roumell, Adam Stamper and Chuck Mundorff.

BOG liaison Barbara DiIaconi visited briefly with the EC.

**II. MINUTES**

The minutes of the July 17, 2009 meeting were approved.

**III. TREASURER'S REPORT**

Treasurer Masters reported. She is working on next year's budget. With regard to the financial statement for August, an additional \$7,500 to \$8,000 will be spent on the Bench Bar Forum, but the Section's finances are currently in sound condition.

The Section budgeted for ten complimentary memberships last year. Masters will find out if we predicted close to the actual number (11) or whether the Bar cut it off.

The Salishan Conference came in under budget. Masters recommends that we keep Salishan budgeted for \$34,000 for next year. She expects the Conference to generate income of \$33,000 next year.

The budget for next year anticipates expenses to exceed income by about \$5,100. The ending fund balance would still be about \$8,600.

Masters urged the EC to consider an increase in the Salishan Conference admission to cover anticipated expenses for Fastcase and other Section expenses. [Note: it was later determined in the committee reports that the Section may be asked to provide free seminars that the Going Forward Committee will put on to attract new workers' compensation lawyers]. Masters did not recommend an increase in annual membership dues.

Masters asked that the EC discuss the budget at the next EC meeting.

The Treasurer's report was approved.

#### **IV. COMMITTEE REPORTS**

##### **A. Salishan**

Member Mundorff was absent. No report.

##### **B. Communications**

Masters reported. The Workers' Compensation Section postcards will be passed out to the new admittees at the Bar's swearing-in ceremony, as they were last year.

##### **C. Daughtry Award**

Somers was present. The committee had no report.

##### **D. Legislative / Rules**

Roumell was absent, but she printed a list of all the bills that were passed that affect workers' compensation practice. Masters highlighted and summarized the main bills.

Chair Roy reported that the BOG approved the WCB rule changes on attorney's fees as appropriate.

## **E. Bench Bar / Professionalism**

Riechers was absent. No report. Johnson reported that Access to Justice (ALJ Keith Kekauoha) is helping to plan a portion of the Bench Bar program and it appears to be moving forward on schedule. EC members had concerns about the MCLE credits that will be offered at the Forum. Chair Roy will contact Riechers to make sure the Section membership is aware of what types of credits are being offered and will have her contact Denise Cline (MCLE administrator) at the Bar.

## **F. Access to Justice**

Johnson reported. The committee met on August 10, 2009 and September 14, 2009. Aron Yarmo, Bend claimant's attorney, has joined the committee. The committee discussed foreign language translation at WCB hearings and the use of headphones to eliminate some of the distraction of simultaneous translation. The committee will consider whether the Board should be approached about providing those headphones. Committee member Kekauoha brought the committee up to date relative to the Bench Bar Forum presentation which will feature panelists Jennifer Flood (Ombudsman's office), Ivan Guirado (Evergreen Interpreting Services), Tanya Beck (WCB Interpreter Services Coordinator) and Christina Hoffman (SAIF's bilingual team). Committee chair Bruce Smith summarized the Access to Justice Survey results and the committee approved his report along with his recommendations for further study of interpretation at hearings and medical examinations and of the training and certification of interpreters. Johnson recommended that the EC review the report for discussion at a future EC meeting. Smith shared the survey information with the MLAC subcommittee on Interpreters at their August 28, 2009 meeting. MLAC noted that 20% of injured workers in Oregon need interpreter services. WCD reported that \$9,400,000.00 was spent on interpreter services last year. Finally, the Access to Justice committee is exploring speaker possibilities for Salishan 2010.

## **G. Going Forward**

Lederer reported. The committee determined that claimant's attorneys are not making enough money to sustain a practice based solely on workers' compensation cases. However, that problem is not within the committee's purview. The committee has looked at infusing "new blood" into the section. The committee decided that one potential solution would be to present a basic workers' compensation seminar to attorneys from other sections who want a companion practice or to new attorneys who are looking to get started in workers' compensation practice, both claimant's and defense. As an essential part of the seminars, the attorney presenters would agree to be available to mentor the

participants by email or phone. The cost of presenting the free seminars (hosting at a location, providing the written or CD materials and the advertising) would be borne by the section. The committee would like it to be an annual event. Guarrasi mentioned that when Bar General Counsel Sylvia Stevens was consulted about mentoring last year, she said she would be available to the committee to discuss the ethical concerns (most often client confidentiality) associated with mentoring. Somers offered suggestions about what could be discussed at the seminars, including income expectations and what the practice area is like in terms of caseload, trial practice, and time with clients.

Chair Roy encouraged the committee to develop a budget for its ideas and to present the budget to the EC at a future meeting.

#### **H. New Technologies**

Stevens was absent. No report.

#### **V. OLD BUSINESS**

Johnson noted that Mundorff wanted to discuss the Daughtry Award process and that issue should be tabled until Mundorff is present. Johnson had previously raised the issue of the imbalance in the number of claimant's and defense counsel on next year's EC, but asked that it be tabled until more members are present.

Somers reported that as a follow-up to an EC request, she is looking into the cost of free internet access at the WCB offices. She will report her findings at a future meeting.

#### **VI. NEW BUSINESS**

Chair Roy reported that the Small Firm and Sole Practitioner Section emailed him. That section wanted to advertise the SFSP Section website on the WC Section website. Masters said that putting the SFSP letter on the WC listserv would be more effective and she volunteered to do so.

The next EC meeting is scheduled for Friday, October 30, 2009, at noon, at the OSB offices in Tigard, Oregon.

The Executive Committee meeting was adjourned by Chair Roy at 1:40 p.m.