

MINUTES OF THE WORKERS' COMPENSATION SECTION

EXECUTIVE COMMITTEE

OF:

OCTOBER 30, 2009

I. CALL TO ORDER

Chair Matthew L. Roy called the Executive Committee (EC) meeting to order at 12:07 p.m. at the Oregon State Bar offices in Tigard, Oregon.

Present in person were: Matthew Roy (Chair), Matthew Fisher (Chair-Elect), Dale Johnson (Secretary), Julie Masters (Treasurer) and Members-at-Large Rob Guarrasi, Chuck Mundorff, and Dennis VavRosky and OSB liaison (substitute) David Nebel.

Present by telephone were: Holly Somers (Past-Chair) and Members-at-Large Dean Lederer, Jill Riechers, Jackie Jacobson, Art Stevens and Adam Stamper.

Absent were: Members-at-Large Jim Edmunson and Jennifer Roumell, and BOG liaison Barbara DiIaconi.

II. MINUTES

The minutes of the September 25, 2009 meeting were approved.

III. TREASURER'S REPORT

Treasurer Masters reported. The current section account balance is \$21,843.00, with an additional \$7,000-\$8,000 to be spent on the Bench/Bar Forum. Masters presented the proposed 2010 Section budget for EC approval. Her recommendations were to increase the Salishan Conference (Salishan) registration fee by \$20.00 across the board, which would raise the Salishan revenue from \$33,000.00 to \$36,700.00. The budget also included an increase in seminar expenses by \$2,000.00 over the 2009 budget amount to present a free seminar for non-section members to learn about workers' compensation law (*See*, Going Forward Committee report). The ending fund balance would be \$10,329.00.

The EC discussed whether the increase of \$20.00 for Salishan was a good idea given the amounts charged to WCB employees and other classes of attendees, and whether the Section would still be providing a reasonably priced conference, for the amount of

credits earned and the meals provided. A motion to increase the Salishan fee by \$20.00 across the board of classes was made, seconded and passed. The ALJs on the EC abstained.

Chair-Elect Fisher noted that the donation portion of the proposed budget was reduced by one-half compared to last year's budget when gifts were made to OLIO and The Campaign for Equal Justice. Masters explained that it was fiscally prudent to consider that the Section expenses were increasing and that we should decrease the amounts donated to other organizations. It was suggested that we determine during 2010 what organizations would received the budgeted amount, and how much each donation should be. In addition, since the Salishan income would not be determined until mid-year, donations could be reconsidered when the EC reviews the budget for 2011.

A motion was made and seconded that the EC approve the budget proposed by Treasurer Masters. The motion passed unanimously.

IV. COMMITTEE REPORTS

A. Going Forward

Member Lederer reported. The committee members met and assigned their responsibilities for the proposed free seminar for non-section members. The committee felt that \$2,000.00 would be a feasible amount to secure a location for the seminar and to promote the event. The committee is hoping to partner with the Professional Liability Fund on the expenses for the seminar. It was suggested by Chair Roy that the committee contact the Sole and Small Firm Practitioners Section, as well.

B. Salishan

Member Jacobson reported. The committee had its first meeting on October 28, 2009. The committee is starting to look for topics and speakers, especially someone to deliver the keynote address. Salishan is scheduled for May 14 and 15, 2010. Since Access to Justice credits are to be reported once in six years, and Bench/Bar already has an Access to Justice presentation this year, the EC members expressed a desire to have more general or practical skills credits and less Access to Justice credits on future Salishan programs.

C. Communications

Masters indicated that there was nothing new to report.

D. Daughtry Award

Member Mundorff raised his concern several meetings ago that it may be time for the EC to review the nomination process, or that the EC begin the process earlier in the year. Beginning the process earlier would allow the EC to carefully review the Daughtry Award committee's recommendations and still meet the Salishan publication deadline. Discussion followed. Some members felt that the process was fine as it is. Other members felt that more could be done to remove some of the perceived problems in the process. The EC discussed the current procedures and clarified its expectations.

Suggestions for improving the current process included informing the section membership to begin the nomination process sooner, providing nomination forms at the Bench/Bar Forum in November, requiring the nominations be submitted by February 12, 2010, and requiring the Daughtry Award committee to provide the EC with its recommendations, and the written documents received by the committee, at the EC's March, 2010 meeting.

E. Legislative / Rules

No report.

David Nebel asked to speak to the EC, in his role as OSB Public Affairs staff attorney. He explained the process by which the Section can propose legislation for the 2011 legislative session. The deadline for submission of a memo that must include the problem being addressed and a proposed solution, is April 1, 2010. The EC would have to approve the memo before it could be submitted to the Public Affairs department. There is a limit of three bills per session. The BOG, upon its approval, would send the proposed bill to legislative counsel for the drafting of the Bar sponsored bill. Mr. Nebel recommended that section members review the *Capitol Insider*, on the Bar's website. Finally, anyone willing to contact a legislator in their district should go to the email at pubaff@osbar.org.

F. Bench / Bar

Member Riechers reported. The final details for the November 13, 2009 Bench/Bar Forum are falling into place. No difficulties are anticipated with regard to MCLE credits.

G. Access to Justice

Johnson reported. The Access to Justice final report on its survey was circulated to the EC. The committee wanted to know whether the EC would approve further study as outlined in the report and whether the committee can transmit the final report to MLAC and DHS. It was moved and seconded that the Access to Justice committee be allowed to engage in further study as outlined in its report and to transmit the final report to MLAC and DHS. The motion passed.

H. New Technologies

Member Guarrasi expressed his desire that the committee move forward to propose simple changes in electronic transmittal of information that would result in savings for the WCB. Guarrasi will contact Stevens to schedule a committee meeting soon.

V. OLD BUSINESS

Somers reported that she was continuing to investigate the possibility of free internet access at the WCB offices.

Johnson raised his concern about the unequal numbers of claimant and defense members on the roster for the 2010 EC. Chair-Elect Fisher will take steps to equalize the numbers. [Note: The Nomination Committee for 2010 will need to be reconstituted (Phil Garrow is already on the committee, former Nomination Committee members Dennis VavRosky and Nick Sencer will be serving on the 2010 EC).]

VI. NEW BUSINESS

Chair Roy informed the EC that the Oregon State Bar has a Leadership College, and that interested parties should contact Roy before the November 13, 2009 deadline.

The Executive Committee meeting was adjourned by Chair Roy at 1:58 p.m.

The time and place for the last EC meeting of the year will be determined.

