

Workers' Compensation Section 2013 Report

I. Activities and accomplishments:

The Section has the following standing committees:

- Salishan;
- Professionalism and Service Committee;
- Legislation/Rules;
- Bench/Bar;
- Access to Justice;
- Going Forward;
- Communications and New Technology;
- Nominating.

Salishan Committee

The Salishan Committee organized the Section's annual seminar and section meeting on May 10-11, 2014 at the Salishan Spa and Golf Resort at Gleneden Beach, Oregon. In addition to electing officers and new Executive Section members for 2013, the program included news from Board Chair Herman and Presiding ALJ (now Board Chair) Holly Somers and a lunchtime keynote speech by the Honorable Martha L. Walters, Justice of the Oregon Supreme Court. Other presentations included a history of Oregon workers' compensation, the Affordable Care Act and the future of Oregon workers' compensation, and How to Conduct Cross Examination by Judge Michael McShane and Judge Eric Bergstrom. On the second day there was an Appellate Update, a medical presentation regarding the cervical spine from Dr. Buza and the lumbar spine from Dr. Tatsumi, and Highlights of the Year's Case Law in Picture and Story by Board Member Greig Lowell and Julie Masters.

The Committee has been meeting regularly to plan next year's conference. Although this is a work is in progress, the committee already has a list of presentation topics and speakers for most of the presentations. The Committee also finalized contracts with Salishan for the next few conferences, which the Executive Committee approved.

Professionalism and Service Committee

William H. Replogle was the 2013 recipient of the Douglas W. Daughtry Award of Merit, the Section's professionalism and service award. Following the presentation of the award at the Annual Meeting at Salishan Resort, the Executive Committee directed the Award committee to review the criteria and procedures for the award and to offer proposals at the Executive Committee's July 12, 2013 meeting. Proposals were offered to the Executive Committee and many were adopted, including a name change for the award to Workers' Compensation Section

Professionalism and Service Award. The changes were recorded in the Minutes of the July 12, 2013 meeting.

In 2014, the committee will implement the new criteria and procedures and if a recipient is selected, the first Workers' Compensation Section Professionalism and Service Award will be presented at the Annual Meeting on May 9, 2014.

Legislative/Rules

The Legislative/Rules Committee monitored legislation under consideration and then passed by the last session of the Oregon Legislature. It prepared summaries which the Section distributed to members through our Section Newsletter.

Bench/Bar

Bench/Bar organized and presented an annual lunch and afternoon seminar focused on legal ethics and professionalism. This year's seminar was at the Oregon Gardens on November 1, 2013.

Access to Justice

During 2013 the committee::

- Worked with WCD to ensure that WC informational packets clearly notify injured workers how to obtain an attorney;
- Explored the need for interpreters to assist non-English speaking claimants during the Reconsideration/Medical Arbitrator process;
- Tracked MLAC's Medical Treatment Subcommittee and WCD's Medical Advisory Committee efforts to increase the number of medical providers who take WC patients;
- Proposed changes in Oregon law, primarily ORS 656.268(5) and 656.218, to resolve the concerns raised by *Wild v. SAIF*;
- Considered the effects of the new OSB Lawyer Referral Service fees on the availability of workers' comp attorneys and explored creation of a Workers' Comp Section referral list;
- Considered the need to have CDA and DCS settlements translated for non-English speaking claimants;

- Clarified our Committee’s role in recommending legislative and administrative rule changes directed toward increasing the access to justice within the workers’ compensation system; and
- Provided speakers (Bruce Smith and bin Chen) to discuss access to justice issues at the Bench Bar Forum.

Going Forward

The committee has continued its effort to interest attorneys, especially new attorneys, in a workers’ compensation practice. In cooperation with the New Lawyers Section, it presented an overview of Workers’ Compensation at Kell’s Pub in Portland. It presented a DVD of a mock hearing to Al Lyon’s Workers’ Compensation class at Willamette University and distributed pamphlets to new lawyers admitted to the Bar. The committee initiated discussions with University of Oregon School of Law to offer a workers’ compensation class. This effort has been unsuccessful but continues.

Communications and New Technology

The committee published four editions of a Section Newsletter (with a fifth edition to be issued in December 2013), with content provided by individuals and committees. The newsletter is initially distributed on the list serve and is posted on the website.

Nominating

This committee helped identify members willing to serve on EC and committees.

II. Budget.

| Description | 2013 Budget | Projected Year End 12/31/2013 | 2014 Budget |
|-----------------------------------|--------------------|--------------------------------------|--------------------|
| Dues Rate | \$25.00 | \$25.00 | \$25.00 |
| | | | |
| Paid Memberships | 345.00 | 336.00 | 331.00 |
| Member Count - Comp Memberships | 10.00 | 6.00 | 8.00 |
| Member Count - Total Memberships | 355.00 | 342.00 | 339.00 |
| OSB Support Assessment per member | \$6.50 | \$6.50 | \$8.00 |
| | | | |
| REVENUES | | | |
| Annual Event | \$31,800.00 | \$32,630.00 | \$32,500.00 |
| Membership Fee Revenue | \$8,625.00 | \$8,400.00 | \$8,275.00 |

| | | | |
|--|--------------------|--------------------|--------------------|
| Sponsorship Fee Revenue | \$2,500.00 | \$2,900.00 | \$2,500.00 |
| Registrations - Conferences/Seminars | \$350.00 | \$400.00 | \$295.00 |
| Total Revenue | \$43,275.00 | \$44,330.00 | \$43,570.00 |
| | | | |
| EXPENSES | | | |
| Annual Meeting | \$32,000.00 | \$28,834.00 | \$30,500.00 |
| Committee – Executive | \$2,200.00 | \$1,777.00 | \$2,779.00 |
| Conferences / Seminars Expense | \$7,500.00 | \$5,146.00 | \$6,500.00 |
| Contributions - Campaign for Equal Justice | \$500.00 | \$500.00 | \$500.00 |
| Contributions - OR Minority Lawyers Assoc. | | \$500.00 | \$500.00 |
| Gifts & Awards | | \$422.00 | \$500.00 |
| Telephone - Conference Calling | \$350.00 | \$322.00 | \$350.00 |
| OSB Support Services Assessment | \$2,308.00 | \$2,223.00 | \$2,712.00 |
| Total Expense | \$44,858.00 | \$39,724.00 | \$44,341.00 |
| | | | |
| Net Revenue (Expense) | -\$1,583.00 | \$4,606.00 | -\$771.00 |
| | | | |
| Beginning Fund Balance on January 1 | | \$18,023.00 | \$22,629.00 |
| | | | |
| Ending Fund Balance | | \$22,629.00 | \$21,858.00 |

III. Legislative issues:

We have requested new legislation, consistent with OSB protocols. See Access to Justice Committee summary.

IV. Matters considered/Matters pending:

We continue to seek ways to increase access to legal representation and have asked the Board of Governors to exempt our section from the Lawyer Referral Service. The Executive Committee believes the LRS, as presently constituted, discourages members from representing injured workers through that program.

The Executive Committee is also considering certain problems created by the Board's electronic filing program (the portal) and trying to develop recommendations for the Board.

V. Goals and activities for the upcoming year.

New Chair J. Jacobson will outline Section goals in her January report. It is likely the Section will continue its effort to increase communication with members, expand access to attorneys for unrepresented workers, and interest new lawyers in a workers' compensation practice. We will continue to sponsor our two annual educational seminars.

Respectfully submitted: Norman Cole, Chair (2013)
December 1, 2013