

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
July 8, 2016**

I. CALL TO ORDER

Jenny Ogawa (chair-elect) acted as Chair for the meeting due to the absence of Chair Tom Harrell. Jenny Ogawa called the Executive Committee (EC) to order at 12:06 p.m.

Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald	x			
Caldwell, Katherine	x			
Chen, Bin	x			
Conratt, Linda		x		
DiCicco, Alana		x		
DiBartolomeo, Joe		x		
Frost, Christine	x			
Garrow, Phil		x		
Harrell, Tom			x	
Lesh, Allison		x		
Ogawa, Jenny	x			
Olney, Kathryn			x	
Oswald, John	x			
Schoenfeld, Steve			x	
Semple, Keith		x		
Smith, Bruce			x	
Wren, Geoffrey			x	
TOTAL				

II. MINUTES

A motion passed to approve the EC Minutes of the June 10, 2016 meeting.

III. Chair Report

The Bar sent an email to Jenny Ogawa regarding the Section's desire to make a charitable contribution to the Kids Chance of Oregon. However, the Bar informed the Section that this group is currently not on the Bar's list of approved charitable organizations. According to the Bar, in order for Kids Chance of Oregon to be added to the list of approved charitable organizations, the Section needs to submit a letter or email to Helen Hirschbiel outlining how this group fits within the guidelines set forth in OSB Bylaw 12.1 and 15.401.

[Section 12.1 Guidelines

Bar legislative or policy activities must be reasonably related to any of the following subjects: Regulating and disciplining lawyers; improving the functioning of the courts including issues of judicial independence, fairness, efficacy and efficiency; making legal services available to society; regulating lawyer trust accounts; the education, ethics, competence, integrity and regulation of the legal profession; providing law improvement assistance to elected and appointed government officials; issues involving the structure and organization of federal, state and local courts in or affecting Oregon; issues involving the rules of practice, procedure and evidence in federal, state or local courts in or affecting Oregon; or issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Oregon.

Subsection 15.401 Donations

Sections may make donations to charitable causes or organizations only with prior approval of the Executive Director. The Executive Director will allow such donations on a showing by the section that the donation is germane to the Bar's purposes as set forth in Section 12.1 of these Bylaws. The Executive Director will maintain a list of approved recipients.]

The Bar's guidelines seem to be directed toward "law related" charities (which is not the case for Kids Chance of Oregon). Kid Chance of Oregon helps kids whose parents have been severely injured or killed on the job. Ron Bohy sent a description of Kids Chance to the Bar and the Bar did not approve it as an approved charitable organization. Ron Bohy will contact Dr. DiPaola to try to get a list of current Kids Chance recipients to see if any recipient took any "law related" courses or if scholarships are open to law students. If recipients are law students, a letter or email can be sent to the Bar to determine whether Kids Chance of Oregon fits within the Bar's guidelines. Jenny Ogawa will draft a letter to Helen Hirschbiel once the Section has the information.

IV. Treasurer Report

Ron Bohy stated that the Bar has not published current financial statements. Therefore, no treasurer report.

V. Committee Reports

A. Salishan

The Bar's new CLE practices that will start in January, 2017, were sent to Sally Curey. Sally believed the Salishan CLE falls under the "standard" format. Ron Bohy attended the Section Summit and he forwarded the information to Sally Curey and Kevin Barrett.

"Basic registration is our low-cost option, available for any section CLE program that is not cosponsored, regardless of length or any registration fees. The basic rate is \$5 per registrant, including complimentary registrations, plus any associated credit card processing fees. Basic registration includes the following features: · Online registration available 24/7 through the OSB website, including on-site registration using any laptop, tablet or smart phone · Payment options for registrants to include major credit cards and electronic checks · Option for two price levels, e.g., section member and non-member · Creation of a registration link for sections to use in promoting the program · Listing on the OSB events calendar · Registration help available from the CLE Service Center · Automatic registration confirmation via email · Electronic registration lists for recording attendance · No minimum charge requirement

Standard registration includes everything offered in Basic at a rate of \$10 per registrant. The following additional features are available with Standard registration: · Up to 3 pricing options, e.g., member, non-member, student, etc. · 3 marketing emails sent by OSB, with marketing and design assistance · Course materials posted online; link to materials sent to registrants · Generic reporting forms, attendee name badges and speaker name tents · Attendance reporting to MCLE for transcript posting · Option for audio recording for licensing/sales through the new OSB mp3 download library (subject to audio capabilities of event facility and bar staff availability)"

B. Professionalism Award

No report.

C. Access to Justice

During the EC meeting in March, Access to Justice presented a rule change proposal pertaining to translation of forms and notices. The proposal drafted by Linda Attridge would require a one page notice to documents sent to workers with a brief paragraph in multiple languages (the proposal specifically required translation of the notice into Spanish, Russian, Vietnamese and Chinese). The one page notice would be attached to any document containing appeal rights and deadlines.

Members of the EC expressed concern that the languages proposed for translation were "under-inclusive." Bin Chen reached out to the Employment Department to inquire what languages it translates for its notices and vital documents. The Employment Department currently translates its notices and vital documents into Russian, Vietnamese and Spanish which is in compliance with DOJ guidelines.

Bin wanted to again propose to the EC that it approve the one page notice with translation into Spanish, Russian, Vietnamese and Chinese. However, given the absences of Tom Harrell and Kathryn Olney at this July EC meeting, Bin wanted to wait for the proposal.

Bin reported that the Employment Department sends out Babel notices in employment cases that include many more languages. Bin suggested we share the Employment Department's Babel notice with the WCB and ask whether it is sufficient to use in the workers' compensation arena. If the EC votes to approve, then the issue goes to Public Affairs. The EC may vote by email before the September meeting.

D. Bench/Bar

Due to the Bar's new CLE practices that will start in January, 2017, Kevin Barrett felt the Section may need to charge \$10 for attendance to the Bench/Bar in 2017. Tom Harrell sent an email asking whether new Bar non-Section members can attend the Bench/Bar for free (as is the case for Section members). Having new Bar members attend for free may be a good practice to encourage new Bar members to check out the Section. A motion was presented to approve Tom's request to have new Bar non-Section members attend the Bench/Bar for free. The motion was seconded and passed.

E. Going Forward

No report.

F. Legislative and Rules

MLAC has an advisory committee reviewing the issue of bias in the IME process.

The WCB is currently reviewing the issues of (1) increasing attorney fee percentages and out of compensation fees, and (2) whether to bifurcate hearings on assessed attorney fees.

The WCD is meeting on claims administration rules dealing with injured workers rights on who they can treat with without the employer directing the workers where to go for treatment.

G. New Technologies/Communications

This committee is in need of a new Chair person. Julie Masters is currently the webmaster.

H. Nominations

No report.

VI. Old Business

None.

VII. New Business

None.

VIII. Adjournment and Next Meeting

The Executive Committee Meeting adjourned at approximately 12:40 p.m.

The next meeting will be at 12:00 p.m. on Friday, September 9, 2016 at the offices of the Oregon State Bar.