

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
January 13, 2017**

I. CALL TO ORDER

Chair Jenny Ogawa called the Executive Committee (EC) to order at 12:04 PM

EC Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald	X			
Caldwell, Kate		X		
Chen, Bin		X		
Conratt, Linda			X	
Dibartolomeo, Joe			X	
Fisher, Martin		X		
Frost, Christine			X	
Garrow, Phil		X		
Harrell, Tom	X			
Lesh, Allison		X		
Ogawa, Jenny	X			
Olney, Kathryn		X		
Oswald, John	X			
Patrick, Jovanna	X			
Semple, Keith		X		
Smith, Bruce		X		
Wren, Geoffrey			X	
TOTAL	5	8	4	

II. MINUTES

The December minutes were approved. Those minutes reflected that no quorum was reached and no meeting was called to order.

III. CHAIR REPORT

- Board website

This committee previously discussed issues with the Workers' Compensation Board's new website design, specifically the difficulties with researching past Orders. Jenny informed the committee that the Board had made changes to the website to address some of the concerns.

- Section website

Tom Harrell sent out an email saying that Julie Masters and another SAIF attorney were working on revising the section's website. They have had some feedback on the graphics that were on the banner of the initial version. The EC expressed a preference that all graphics be removed from the banner.

- CLE

Chair Ogawa informed the committee that implementation of the Bar's new CLE co-sponsorship policy is delayed until 2018. OSB President-Elect Vanessa Nordyke will chair a special committee to review options. In addition, due to a new schedule for staged installation the new association management software, the new event registration software will not be available until mid-July.

- Meeting dates for 2017

The following meeting dates were proposed for 2017: February 10, March 10, April 14, May 12 (at Salishan), June 9, July 14, September 8, October 13 (subject to change depending on the date of Bench Bar Forum), November 17 (subject to change depending on the date of Bench Bar Forum), and December 8.

IV. TREASURER REPORT

Ron Bohy reported that the end of the year revenue and expense report were not available yet. The Bar is holding open all the accounts until January 31, 2017 for people to get in expenses. Ron Bohy previously sent the budget for 2017 and the section's long range plan to the OSB. Ron Bohy reminded committee members of the Bar's reimbursement procedures and policies.

V. COMMITTEE REPORTS

A. Professionalism Award

Keith Semple reported that he had provided the Bar with the list of past award winners and the criteria for the award. An email from the Bar should go out to section members within the next day. Nominations are due by February 10.

Tom Harrell will be taking over as chair for this committee.

B. Access to Justice

Bin Chen is the new chair of the Access to Justice committee. The next meeting is January 23, 2017. In the November meeting, the Access to Justice committee discussed whether it should address the issue of interpreter fees for recorded statements, as SAIF was previously not paying those fees. However, Dave Runner reported to the Access to Justice committee that SAIF had changed its policy on that issue. Tom Harrell confirmed the change in policy.

C. Salishan

Jenny Ogawa reported on behalf of Geoff Wren that Salishan has been scheduled for May 12th and 13th of 2017. The keynote speaker will be Professor Emily Steiler from Northeastern School of Law. She will talk about the future of and trends in workers' compensation.

D. Going Forward

John Oswald reported that the next meeting of the Going Forward committee is scheduled for January 17, 2017.

E. Legislative and Rules

Keith Semple had nothing to report from the Legislative and Rules Committee, other than to note that the next MLAC meeting was scheduled for January 17, 2017

G. New Technologies/Communications

No report.

H. Nominations

No report..

VI. OLD BUSINESS

A. Section Fund Balance

The subcommittee composed of Phil Garrow, Ron Bohy and Allison Lesh looked into the question posed to by Helen Hirschbiel about section fund balances. On October 18, 2016, Phil Garrow received the following email from Helen:

I would agree that sunset or consolidation of the Worker's Comp Section is not likely to be either realistic or desirable. In addition to the questions included in my email, you might ask yourselves, is the section model working for you? Do you have trouble getting volunteers for your executive committee or a quorum for your meetings? Are the number and length of your meetings appropriate? How is your section membership? Is it growing, shrinking or staying about the same? Are you able to provide CLE and networking opportunities for your members?

In terms of the section balance question, I do think it's helpful to know whether your section maintains a balance for a particular purpose. In looking at your statements for last year, it looks like you tried to spend down your reserves somewhat. You took in revenue of approximately \$40,000, and paid out approximately \$43,000, leaving a final balance was \$18,850. In the nonprofit world, various reserve policies are touted depending on how you operate. Because sections aren't separate nonprofit entities, those policies don't translate directly to the section world. We have looked at some of those policies, however, and informally recommend to sections that they establish a reserve of no more than twice the amount of your annual membership fees. Your member fees were about \$8500 in 2015, so your reserve should be about \$17,000. Therefore, the WC Section reserve is not far out of line with the informal policy. There are other sections, however, that hold reserves that are 3 and 4 times the amount of their annual fees. A few far exceed even that amount. Whether we are using an appropriate reserve goal is an open question. If it is, what should we ask sections to do with their excess? We would welcome comments on these questions as well as anything else related to your or other sections reserves.

B. Third Party Conflicts

Prior to the meeting, Chair Ogawa asked EC members to review an email from John Klor regarding third party conflict issues. This issue was posed to the EC by the Legal Ethics Committee in 2013 and at the time the EC was divided as to whether this was problem or issue that needed to be addressed by a formal ethics opinion. The EC discussed the issue and agreed that it was not a significant problem requiring a formal ethics opinion.

VII. NEW BUSINESS

Tom Harrell asked whether EC members had encountered any problems or issues stemming from SAIF's web portal which allows claimants to access claim documents, which can result in a claimant seeing a document before their attorney has received it. SAIF has received some complaints from claimant's attorneys. After some discussion the EC members agreed this did not seem to pose a significant problem or issue.

VIII. ADJOURNMENT AND NEXT MEETING

The EC meeting adjourned at 12:48 PM.

The next meeting will be February 10, 2017 at the OSB offices.