**MINUTES OF WORKERS’ COMPENSATION SECTION**

**EXECUTIVE COMMITTEE**

**November 8, 2019**

1. **CALL TO ORDER**

Chair Caldwell called the meeting to order at 12:07 PM. Attendance was as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **In Person** | **By Phone** | **Absent** |
| Katherine M Caldwell (Chair) | X |  |  |
| Bruce D Smith (Chair-Elect) |  | X |  |
| John M Oswald (Past Chair) |  |  | X |
| Linda D Conratt (Treasurer) | X |  |  |
| Jovanna L Patrick (Secretary) | X |  |  |
| Joe Di Bartolomeo |  | X |  |
| Martin M Fisher |  |  | X |
| Christine Coffelt Frost |  | X |  |
| Philip Harry Garrow | X |  |  |
| Colin Rockey Hackett |  |  | X |
| Heather L Holt |  | X |  |
| John Klor | X |  |  |
| Vincci W Lam |  | X |  |
| Allison B Lesh |  |  | X |
| J Mark Mills |  |  | X |
| Jenny Ogawa | X |  |  |
| Carrie D Wipplinger | X |  |  |
| Bik-Na Han (BOG) |  |  |  |
| Christine Ford (Bar Liaison) | X |  |  |
| Danielle Edwards (Bar Liaison) |  |  |  |

1. **MINUTES**

Approve Minutes October 4, 2019 as modified – approved.

1. **CHAIR REPORT**

CEJ sent us a thank you letter for our contribution.

HOD meeting 11/1/19 – Kate and Jovanna attended. Short and interesting.

* Resolution on A2J.
* Most contentious point was study to move OSB to Salem – not passed.
* Client security fund is depleted (1.8 million in claims from one attorney) – charge going up to $50 next year.
* New fee structure – will be income based versus years of practice. Exact way it will work still unknown.
* Opening discussion (no voting) on licensing paraprofessionals and allowing people to sit for the Bar even if did not attend accredited law school.
* In memoriam did not have Tom Sheridan listed, but he was recognized in request for additional names.

2020 meeting dates – will continue system of 2nd Friday of the month except May is at Salishan, No August meeting, and October is at Bench Bar. All meetings will need to be in Blue Jeans compatible room due to Bruce being the chair – members still attend in person where possible.

Addendum to Salishan contract 2020, adding 10 guest rooms at the government per diem rate for Friday night. Motion to approve addendum contract – approved.

4/1/20 is the deadline for any 2021 legislative proposals from EC (not affect rulemaking).

ONLD email re: networking events throughout year (reception after Swearing in, evening events throughout state). Will forward to Going Forward Committee.

1. **TREASURER REPORT**

$18,863 balance. May have more Bench Bar costs. Can re-evaluate balance at December meeting to make any donations needed to bring down balance – need to have quorum at December meeting to make those decisions.

1. **COMMITTEE REPORTS**

** Access to Justice**

Denial language has been sent to Matt Shields at Bar. Perhaps bring him to December meeting to discuss this and other ideas?

Committee is now balanced - Bin Chen resigned (claimant side).

Voc Survey results are out. Committee is still digesting them, will be working to quantify the large amounts of comments. Discussion of what to do with surgery results, how/if to publish them. Key points from the survey so far:

* Slight majority:
  + Max training period was not adequate.
  + Spending limits are adequate.
* Large majority:
  + Rules for worker wage not adequate, do not assess actual comp packages (what employers say about benefits being part of your compensation).
  + More would qualify if benefits were included.
  + 80% threshold not sufficient due to increasing minimum wage.
  + Noticed change in number of referrals and number of those being found eligible.

A2J has been working on some new ideas. Asking this committee for permission to further explore:

1. **Education to doctors on post-closure treatment.** Many insurers already have letters to doctors, concerned about one more piece of paper versus concerns of claimants not getting palliative care / OHP paying for comp treatment.
2. **Health benefits while out on comp – include in AWW (for time loss and/or voc eligibility) or pay them while out.** Discussion of how this works in Washington, that this would be a legislative issue, how much this affects injured workers, their families, and their return to work. Majority think is too big of a topic for committee, too contentious to come to a consensus. Discussion of limiting this to voc (per survey that indicates this may be issue) versus entire AWW.
3. **Timing of Sponsoring exhibits, depos only when offer causation opinion**. Members from both sides felt this was an issue, timing and costs considerations for both sides.
4. **Non-binary options for forms, how to address claimants in claim documents / at hearing.** Committee had questions about how to do this respectfully, advised that Bar’s Diversity and Inclusion Section may be able to provide guidance.

Motion to allow A2J to work on ideas #1, #3, #4. Table discussion on #2 for now, wait for further information on voc results.

** Bench/Bar**

Took place at Eola Winery on 10/4/19. Successful! People liked venue other than parking and getting out of driveway (flagger?). Food and snacks well received.

** Going Forward**

No one here to report.

** Legislative and Rules**

No one here to report.

** Professionalism Award**

Will start early next year.

** Salishan**

Looking for speakers, perhaps a 101 class. Perhaps packages to encourage people to make it a family weekend?

1. **OLD BUSINESS**

None.

1. **NEW BUSINESS**

None.

1. **ADJOURNMENT AND NEXT MEETING** – adjourned at 1:05 PM next meeting is December 13, 2019 (+ Blue Jeans).