

Workers' Compensation Section Annual 2020 Report

Activities and Accomplishments:

In 2020 the Workers' Compensation Section awarded its Professionalism Award to Julie Masters, in recognition of her exemplary contribution to the Workers' Compensation bar. This annual award is given to the attorney whose personal and professional conduct has most consistently reflected adherence to the highest standards of professionalism in the practice of law. With this annual award, the Section seeks to further the mission of the Oregon State Bar, which is to serve justice and the public by promoting respect for the rule of law.

This year the Section also sought to improve the quality of legal services, by producing a four-hour virtual CLE program, in joint sponsorship with the Oregon State Bar.

Finally, the Section made progress toward the goal of increasing access to justice, by recommending to the Workers' Compensation Board that it modify its notice of hearing to include contact information for the Oregon Ombudsman for Injured Workers. The Board has now made the recommended change. In addition, the Section made donations of \$500 each to the Campaign for Equal Justice, and to the Oregon Minority Lawyers Association.

Budget:

The Section's biggest annual expense is the Annual Meeting and CLE, which is normally held in May at Salishan Resort, and was budgeted for \$30,000 in 2020. Due to restrictions on social gatherings related to the coronavirus pandemic, however, the annual event was changed to a virtual meeting and CLE on October 31, 2020. While the final revenue and expense figures were not available at the time of this writing, as of October 31, 2020 revenue for the Section totaled \$7,625 for the year, offset by total expenses of \$6,828. The second biggest annual expense is the Bench-Bar Forum, which was budgeted for \$9,500; but that event was canceled. Year-to-date Section membership as of October 31, 2020 was 324 (including 305 paid), compared to 351 (319 paid) as of the same date in 2019.

Total projected revenues for 2020 amount to \$7,625, against expenses of \$7,948, for a projected operating loss of \$323. This would leave an ending fund balance as of December 31, 2020 in the amount of \$16,169. The Section anticipates total revenue in 2021 of \$51,900, and total expenses of \$52,085. Additional details can be found at page 81 on the Bar's website at the following web address: <https://www.osbar.org/sections/financials.html>

Legislative Issues:

The Section was not directly involved in any legislative issues in 2020; and does not currently have legislative matters on the agenda for 2021.

Matters Considered/Pending:

On referral from the Section's Access to Justice subcommittee, the Section is currently pursuing a proposal to amend OAR 436-060-0140(8), to require specific uniform language in claim denials. The primary purpose of this recommendation is to give clear and concise notice regarding appeal rights and resources to injured workers whose claims have been denied.

In 2020 the Access to Justice subcommittee completed work on a comprehensive Workers' Compensation Vocational Issues Survey, designed to determine whether vocational assistance professionals and other interested stakeholders believe that the current system for providing vocational assistance to injured workers is meeting the needs of workers and employers. The Section recently forwarded the final 22-page report to the Management Labor Advisory Committee (MLAC) for its consideration. MLAC is expected to review the report in 2021.

The Access to Justice subcommittee is currently studying the advisability of recommending changes to standard forms used by the Workers' Compensation Division (WCD), and Workers' Compensation Board (WCB), to provide non-binary options for injured workers and other stakeholders for indicating their preferences with regard to gender. The Section anticipates that it will complete work on this project in the coming year.

Recommendations for Coming Year:

The Section intends to produce two CLE programs in 2021: the Annual Meeting and Conference at Salishan; and the Bench-Bar Forum (location to be determined). In the event that in-person events are prohibited or unsafe, the Section intends to substitute virtual events.

The Going Forward subcommittee will continue its outreach to young lawyers and law students using a variety of means, including social gatherings. Again, if in-person social gatherings cannot be scheduled due to the pandemic, the Section will look for other ways to engage these groups.

Finally, the Section will work toward making its website more useful to attorneys, by providing current information regarding scheduled events, up-to-date access to relevant resources, and greater interactivity, so that Section members can express their opinions and make known their needs concerning all aspects of workers' compensation law.

Other Comments:

The Section wishes to express special thanks to our Salishan subcommittee for planning and executing our Annual Meeting and CLE, a task made especially difficult in this uniquely challenging year; and to the dedicated professionals at the Oregon State Bar for their invaluable assistance in producing and presenting the CLE program.

Respectfully submitted:

[OSB Staff will insert a list of current executive committee members.]