

Workers' Compensation Section 2017 Annual Report

Activities and accomplishments:

Monthly Executive Committee meetings were held. Secretary Kate Caldwell took the minutes, which can be accessed on the Section's website.

The Section's Annual Meeting was held on May 12, 2017 at the Salishan Spa & Golf Resort at Gleneden Beach, Oregon. The meeting was chaired by Jenny Ogawa. The Section elected the following officers and members-at-large to serve on the Executive Committee in 2018:

Officers: John Oswald, Chair; Katherine Caldwell, Chair-Elect; ALJ Bruce Smith, Secretary; Linda Conratt, Treasurer; ALJ Jenny Ogawa, Past Chair.

Members-at-Large: Joe DiBartolomeo, Martin Fisher, Christine Frost, Colin Hackett, John Klor, Allison Lesh, Jovanna Patrick, Carrie Wiplinger.

The Section sponsored two CLEs. The first was held on May 12 and 13 at Salishan. The Salishan CLE Committee members were Sally Curey, chair, Holly Ansari, Ron Atwood, Spencer Kelly, Rob Kinney, Christopher Potter, and ALJ Geoff Wren. The keynote speaker was Prof. Emily Stieler from Northeastern School of Law, who talked about the future of and trends in workers' compensation. Other presentations included: including CRPS, the shoulder, access to justice, workers' compensation practice, marijuana in the workplace, Medicare, and an appellate update. The CLE was approved for 6.5 general, 1 ethics, and 1 access to justice CLE credits. About 171 people attended.

The Section also sponsored the Bench/Bar Forum on October 20 at the Salem Convention Center. The CLE featured speakers on immigration law, legal ethics, and child abuse; and was approved for 1 child abuse reporting, 1 ethics, and 1 general CLE credits.

The Going Forward Committee lead by John Oswald, chair, and consisting of members Spencer Aldrich, Krishna Balasubamani, Rob Guarrasi, ALJ Jackie Jacobson, Steve Schoenfeld, and Larry Schucht worked on events to promote the practice of workers' compensation law and to increase membership. On June 27, the Section and the New Lawyers Division sponsored a joint social at the Raven and Rose. John Oswald and Larry Schucht worked a table at the Lewis & Clark Law School Bar Prowl on October 4.

This year's recipient of the Section's Professionalism Award was Dale Johnson.

Budget:

The Section has maintained its budgetary goals for 2017, under Treasurer's Ron Bohy's leadership. The beginning fund balance was \$17,986, and the projected year-end fund balance is \$25,512. The section dues (\$25) will stay the same for 2018. The pricing for the Salishan CLE

will stay the same, and there will be no charge for the 2018 Bench Bar Forum. Contributions were made to the Campaign for Equal Justice and the Oregon Minority Lawyers Association.

Legislative issues:

The Public Affairs Department has approved the Access to Justice Committee's request that the Workers' Compensation Board (WCB) consider implementing rules that would establish procedures for the translation of non-English written evidence that is submitted for hearings before the WCB.

The Access to Justice Committee has also requested the Public Affairs Department to approve its request that the WCB consider implementing rules that would require certain documents sent to injured workers, which are in English, be accompanied by a separate notice in multiple languages (Spanish, Russian, Vietnamese, and Chinese), advising workers of the importance of the document and where to turn for assistance.

Matters considered/Matters pending:

Injured worker access to medical treatment raises an access to justice concern that the Access to Justice Committee has been working with the Workers' Compensation Division (WCD) to address through the rulemaking process, outreach programs, and possible legislative changes. The Access to Justice Committee will also research the viability of creating an Ombudsman for medical providers.

The Section continues to work with the Lawyer Referral Service to either extend the Modest Means pilot program, or to reduce or eliminate the 12% referral fee for workers' compensation attorneys.

With the Bar moving to a new video conference platform in 2018, the Section is considering the viability of using that platform for Executive Committee meetings. One of the purposes for using video conferencing is to allow members, who reside out of the Portland area, the opportunity to serve as Executive Committee officers.

Recommendations for 2018:

The dwindling number of attorneys practicing workers' compensation law continues to be a concern with regard to access to justice and quality of representation. Providing quality CLEs and other programs/functions to attract and maintain members should help meet those goals. We continue to be in the process of updating and improving our website to provide information and resources for both attorneys and the public.

Consider planning one of the Section's CLEs to comply with the Bar's new CLE co-sponsorship policy.

Any other comments:

Thank you to all the Section members who have volunteered their time and talents with the Section's activities and goals.

Respectfully submitted:

The bar will insert a list of committee members.