

**MINUTES OF THE WORKERS' COMPENSATION SECTION  
EXECUTIVE COMMITTEE  
March 10, 2023**

**I. CALL TO ORDER**

Chair Frost called the meeting to order at 12:02 pm. Attendance was taken as follows:

Member	Present	Absent
Christine Coffelt Frost (Chair)	X	
Martin M Fisher (Chair-Elect)	X	
Andrea K Knight (Treasurer)	X	
Ian T Brown (Secretary)	X	
Spencer S Aldrich (Member)	X	
Nicholas D Cordes (Member)	X	
Trisha Loitz Fleischman (Member)	X	
Heidi M Havercroft (Member)	X	
Elyse M Lopez (Member)	X	
Martie L McQuain (Member)	X	
Craig Thomas Miller (Member)	X	
Karli L Olson (Member)	X	
Jovanna Patrick (Member)	X	
Christo J de Villiers (Member)		X
John C Young (Member)	X	
Tria Vang (Bar Liason)	X	
Allison Lesh (Professionalism Subcommittee Chair)	X	

**II. MINUTES**

The February 10, 2023, minutes were approved unanimously.

**III. CHAIR REPORT**

Possible Legislation

There has been little movement in the three workers' bills previously noted (HB 3150, SB213,

## Issues with list serve and Nominations Survey

Some people did not receive e-mails with links to nominate for the Professionalism and Service Award. The February 10 e-mail was sent by the Bar. There was an observation that spam filters may interfere with receiving e-mails. Tria will follow up on the Bar's end.

## Observation re finances

Declining membership also has an effect on finances. Ian observed that end-of-January head count was down by 26 relative to the same time last year. We pick up some over the course of the year, and Andrea noted that we picked up two in February. Karli noted that we have to guess for headcount projections for Salishan too.

## IV. TREASURER REPORT (Andrea Knight)

Highlights of the February statement include revenue of \$7,375 for Salishan and \$50 for new members. Expenses were \$10 for OSB support services, \$20 for zoom, and \$285 for credit card fees, all expected, as well as \$3,000 of the first down payment for Salishan.

Chris asked, and Andrea confirmed, that we're ultimately going to be fine for 2023. Member numbers are down, and there's uncertainty there. There may be room to make up money. Salishan has historically been an earning event, but costs are up. We're seeing the results of trends that have been building for a few years.

## V. COMMITTEE REPORTS

### A. Bench-Bar (Spencer)

The Bench-Bar subcommittee talked about doing a nominal charge, which hasn't been required in a past. The conclusion was that a \$10-\$25 fee wouldn't prevent people from coming, and could offset the venue. The subcommittee also talked about having sponsorships from firms and other groups. They did not like the idea of having a table with a vendor. Unless the EC has concerns about a charge affecting attendance, the subcommittee thought a nominal fee a fine idea. Question posed to the EC: would a nominal charge be a burden? No one thought so.

Chris anticipated that people are likely to return to in-person events, although membership will likely continue along current trends, and adding a nominal charge now can change the paradigm to allow responsible stewardship by charging appropriate fees in the future.

The subcommittee also talked about moving the venue closer to Portland. Last year, a lot of Portland-based defense firms went, and only three judges went. There's a balancing between making it more accessible for the largest concentration of people (in Portland) and the remainder of the state. Historically, it's been near Salem, but there are far more section members from north of the 45th parallel than south.

Martie, who hasn't left the Eugene-Springfield area for a while, was willing to go up to Portland. Although there are a number of attorneys based in Eugene, and a few further south, it's smaller than the people in the Portland area. Jovanna noted that even keeping the event to the south of the Metro area, such as in Tigard or Wilsonville, would be much more convenient than venues in the northern Portland area for attorneys from Salem or further south. Spencer said they were considering Wilsonville and Woodburn.

The subcommittee is also considering a survey. Holly is asking ALJs about their non-attendance, and Spencer will check in with Karli about a joint survey.

The subcommittee is also considering working with Larry Schucht and Jackie Jacobson, who teach at U of O and Lewis & Clark, about incorporating a student-oriented event to Bench Bar. Who is teaching at Willamette?

No exact date, no programming yet, but probably around early October

B. Going Forward (Spencer)

If we do a job fair with Bench-Bar, it will involve Going Forward. Nick thought could help grow the section. But don't count your chickens before they're hatched.

Karli noted the Multnomah Bar Association's Young Lawyers Section, which has events, maybe we could do a short presentation. Someone noted short CLEs that have been done, social mixers in partnership with other organizations.

C Professionalism Award (Allison) VOTING TODAY

There were 6 nominations, all of whom met the qualifications: Greg Lowell, Julene Quinn, Monte Marshall, Jill Gragg, Jenny Ogawa, and Holly Somers. Outside service was a significant differentiator. The subcommittee met and recommended Jenny Ogawa to the EC.

The EC unanimously accepted the subcommittee's recommendation. Allison, as subcommittee chair, will inform Jenny. Andrea will handle the plaque.

D Salishan/Annual Meeting (Karli)

The subcommittee did not meet this past month because everything's lined up. Save-the-date e-mails are out, and a brochure is drafted.

Spencer noted that booking rooms is more difficult than usual, with a new online reservation system.

Given that the regular EC meeting schedule includes the second Friday of April (April 14) and the second Friday of May (May 12), do we need an EC meeting at Salishan (April 28-29)? No, there will be no EC meeting at Salishan, just the second-Friday meetings.

F Nominations (Martin)

Martin is the liaison to Nominations. Nothing has happened in a while. There seem to be no vacancies to fill right now.

G Access to Justice (Jovanna)

Subcommittee had a meeting at the end of January and has been looking at a few projects, including education for doctors and simultaneous service to attorneys. Looking for more claimants' attorneys to serve on subcommittee.

The big issue is the subcommittee's goal of requesting WCD to form advisory committee regarding MCOs and access to doctors. The subcommittee strongly feels that the request is within the Bar's mission and consistent with *Keller v. State Bar of California*, 496 US 1 (1990), and wishes to move forward. In particular, problems with doctors being able to schedule services within timelines, insurers processing claims, workers getting paid, and the problems are greater in rural areas and with workers who have other barriers such as language and LGBTQ status.

Chris will forward the Bar's memo. The next step is to draft a letter to Susan Grabey, at OSB public affairs. The Bar's criteria include whether the action expresses political or ideological views, the substance expresses one particular side or viewpoint, whether it's polarizing, and whether it's germane. Particularly given the balanced composition of the subcommittee, the main concern seems to be germaneness.

Subcommittee should draft a letter for the EC to send to Grabey at OSB. Focus on germaneness.

Tria added, by way of clarification, that there have been multiple cases regarding Bar use of dues for purposes beyond the purposes of the state Bar. Although access to workers' compensation benefit is appreciated, from the OSB perspective, access to justice is access to court systems and the legal process. The OSB concern is that finding the right providers doesn't align with the legal court

system.

**VI. OLD BUSINESS**

None.

The EC meeting adjourned at 12:50 pm. The next meeting will be ~~March 10~~ at noon.

April 14 <sup>ccF</sup>