

Minutes of WC Section Council Meeting - May 10, 2013

Members Present: Martin, Palmer, Housefield, Rabideau, Frame, Hamm, Esper, Parker, Flynn.

1. Teresa Martin called the meeting to order at 10:10 a.m.
2. **Secretary's report:** Bill Housefield submitted the minutes of the March 1, 2013 Council meeting that were prepared by Chuck Palmer, Acting Secretary. He reported that there had only been one request to change the word "attendees" to "cost" in paragraph B, page 2. Following discussion and motion to accept the minutes as submitted, the motion passed.
3. **Treasurer's report:** Chris Rabideau provided the most recent financial reports given to him by the State Bar of Michigan for the seven months ending April 30, 2013. He reported that the current balance was \$74,968.39. A discussion was held on why our balance was \$18,000.00 less than at the same period in April 2012. Treasurer Rabideau pointed out the biggest difference being the \$7,500.00 the Council approved to pay to Children's First Charity as well as the \$6,000.00 plus expense of conducting the Winter meeting. He also pointed out that we had received almost \$4,000.00 at this time last year for seminar income representing registration for the Summer Annual Meeting. To date, we had only received \$600.00. Following discussion and a motion to accept the treasurer's report as submitted, the motion passed.
4. **Director's report:** There was no director's report available.
5. **MCAC report:** Jack Wheatley submitted a written report stating that there was nothing of significance to report from the MCAC insofar as workers' compensation is concerned. The active case load continues to decrease to 112

active cases for the week ending May 3, 2013 from 151 active cases the week ending January 4, 2013. He also reported that a panel of commissioners, including George Wyatt, Gary Goolsby, and L'Mell Smith, participated in a recent BOM meeting.

6. **Magistrate's report:** Lisa Klaeren, Chief Magistrate, reported, by written report, that there had been no real significant changes occurring at the Board of Magistrates since the Council's last meeting. The Board continues to focus on a reduction of the aged cases (cases over 12 months), which will encourage resolution of cases earlier, either by way of settlement or trial.

The magistrates recently met in Dimondale for a day-long meeting covering a multitude of subjects. Multiple subjects and issues were covered, with the hopes of improving consistency between magistrates and providing the best quality of service to our consumers. We had an informative and useful presentation from Tracy Allen, an ADR provider and teacher. With the developing importance of facilitation in our current practice, Ms. Allen was able to provide the magistrates with some valuable incite. Magistrate Klaeren requested that anyone contact her relative to any questions or concerns.

7. **Old Business:**

A) Hall of Fame: Secretary Housefield reported that the Hall of Fame nominating committee had put forth one candidate, Michael Flynn, for induction into the Hall of Fame. He also reported that following discussion and formal motion, the Council, by a vote of 10 to 0, approved the induction of Michael Flynn into the Workers' Compensation Hall of Fame.

B) Proposal to Amend Bylaws: Secretary Housefield reported that all steps necessary to amend the bylaws of the Section had been complied with, including

publishing the proposed amendment in the State Bar Journal. A copy of what appeared in the State Bar Journal May 2013 edition was circulated. He reported that following a vote of the general membership at the annual meeting, the results had to be conveyed to the State Bar, and assuming an affirmative vote, the Commissioners of the State Bar would then authorize the amendment.

C) Summer Meeting: Co-chair of the committee, Member Parker, reported she recently had checked with Boyne Highlands on how many rooms had been reserved to date. Forty-two rooms have been reserved out of the 65 that they are holding for the Section. Since 60 to 80 people usually reserve rooms, it did not appear that we would be in a penalty situation under the contract. She stated that Kevin Elsenheimer had agreed to come and speak to the Section. In looking at shaping an agenda, she thought it would be appropriate for Chairperson Martin to give opening comments as well as introduction of any speakers or guests. It was suggested that the secretary give comments as to why the Council recommended an amendment to the bylaws and field any questions prior to the vote of the general membership. It was also decided that the treasurer would give a brief report concerning the financial condition of the Section and answer any questions if requested.

Lisa Klaeren, Chief Magistrate, has agreed to take part in a seminar and will give a report from the standpoint from the Board of Magistrates. Jack Wheatley also will give a report on behalf of the MCAC.

Stephanie Marino of Conklin, Benham has agreed to provide a discussion on the current state of law.

The main speaker will be from the State Bar of Michigan and provide details on how computers, and specifically iPads and notebooks, can help streamline the practice of workers' compensation.

The last item on the agenda will be the election of new officers and new council

members. It also was pointed out that David DeGraw has once again offered to put together the golf outing. Unfortunately, due to a conflict with another outing, we will not be able to play the course right at Boyne Mountain.

A discussion was then held on the commemorative plaques normally given to the incoming chairperson and the outgoing chairperson. Although the expense is not great, it was decided that commencing this year that only one plaque will be given to the incoming chairperson, and such plaque should have a symbol of a gavel prominently displayed.

A discussion was then held concerning the charges for meals for the guests of Hall of Fame inductees. The State Bar website only gives the option of registering as an attorney or a guest of that attorney. Following discussion, a motion to allow a charge of \$50.00 for a guest of the inductee, as opposed to \$125.00, was passed.

8. **New Business:**

A) Nominating Committee: Teresa Martin identified the members of this year's nominating committee. A general discussion of some names that had been mentioned as possible Council candidates was discussed. Member Palmer stated that the members of the nominating committee were going to have a conference call on Monday, May 13, 2013. It was suggested that any current Council member having a desire to give an opinion or recommendation do so prior to the conference call. It was confirmed by e-mail that Member Lusn did not wish to be considered for a second term. Members Frame and Hamm indicated an interest in serving a second term and that information was conveyed to the nominating committee.

B) Subpoena Issues: Members are still reporting issues with hospitals complying with subpoenas signed by attorneys. The general consensus is the best

approach is to have a magistrate sign the subpoena. It was still felt that an amendment to the rule, specifically providing for a set amount for copying charges per page, be put into the Workers' Compensation Rules. At the present time, the subpoenas and letters from attorneys refer to the Health Care Rules' copying charges. It was suggested that Jack Nolish be contacted for help in this regard. Member Hamm also brought to the attention of the Council the practice of some health care facilities that merely send a CD, which can contain several hundred pages and, thereafter, submit a bill for copying charges of each page. Since the attorney has to make the "copy," is it appropriate for a facility such as Henry Ford Hospital to charge a per page copying fee? Member Palmer made a campaign pledge that if elected chair, he would address this issue.

C) Winter Meeting: Member Hamm stated that she already is getting information and solicitations from past sites or locations of Winter meetings. In her opinion, in order to lock up the best venue available, it would be appropriate to start looking at sites and dates as soon as possible. A motion and amendment thereto granting Member Hamm the same budget as in 2012 was discussed and passed.

Thereafter, the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

J. William Housefield, Jr.

WC Section Council Secretary