

STATE BAR OF MICHIGAN
WORKERS' COMPENSATION LAW SECTION

MEETING MINUTES : 1/15/10

This was a teleconference meeting held between the Detroit and Lansing offices of the Workers' Compensation Agency, attended by members of the Section Council and various Agency representatives including:

IN ATTENDANCE: **Lansing:** John Sims, William Housefield, David DeGraw, Jack Nolish tom Roth, Dennis Flynn, Chris Ambrose, Ella Parker and Chris Rabideau

Detroit: Joel Alpert, John Charters, Denise LeVasseur, Murray Gorchow, Chuck Palmer and Tim Esper

The meeting was called to order at 9:00 a.m. by the Chairperson Joel Alpert.

1. **Secretary's Report.** The Secretary provided a copy of Minutes of the preceding meetings; same were discussed. A motion was made by Tom Roth to accept the Minutes as written, this was seconded by William Housefield. The motion was passed unanimously.
2. **Treasurers' report** was submitted by the Treasurer, Denise LeVasseur. There was discussion held with regards to the projected budget which indicated that the balance of the account for the Section would be reduced by \$11,000.00 if there were not a savings engendered by our actions over the course of the year. Discussion determined that actions and motions being considered by the Section council would hopefully produce a savings of over \$11,000.00 (\$9,000.00 by not financing the Las Vegas trip this year and \$4,000.00 by an electronic newsletter as opposed to a printing). Motion to adopt the Treasurer's report as submitted was made by Member Palmer, seconded by Member DeGraw and adopted unanimously by the Section council.
3. **Director's Report.** Director Jack Nolish discussed the continuing budget crises within the Workers' Compensation Agency and the budget cuts being considered by the State government. Discussion was also held with regards to the activities by Mr. Edward Welch in attempts to determine the means of reducing or improving the Agency's efficiency within the budget as projected for the State of Michigan.

Director Nolish also pointed out the continuing issues with Delphi and American Insurance are being explored by the Agency at this time. Director Nolish also indicated that Magistrate reductions are ongoing and that as of January 26, 2010 there will be a reduction in the number of Magistrates sitting in the Agency.

4. **Appellate Commission Report.** Appellate Commission Chairperson Murray Gorchow indicated the reductions within the Appellate Commission continue. He gave us notice that Magistrate Leventer had given notice that she was moving to a position with the State's Administrative Hearings Office or (SOAR.) Commissioner Gorchow also pointed out that they have reduced library cost within the Appellate Commission's actions by reducing hard copies to only Michigan Reports and the Court of Appeals Reports. All other items are being preserved electronically for the Appellate Commission.
5. **Board of Magistrate's Report.** Magistrate Chris Ambrose reported that the changes in Magistrate's positions are still on schedule to take place on January 26, 2010. There is one vacancy within the Board of Magistrates yet to be filled. No announcement has been made as to who will be filling that position. There was some discussion concerning the event for the leaving Magistrates. The Workers' Compensation Section Council discussed the matter within the confines of this meeting. Magistrate Ambrose further indicated that the Workers' Compensation College for Magistrates might be delayed this year to the end of February or early March. The previous assignments with regards to Magistrates throughout the State after the change on January 26, 2010 are being refined and that the new description of the assignments will be presented after January 25, 2010. Magistrate Ambrose indicated that new Magistrates will be moving into seats formerly held by departing Magistrates. That the parties in cases will appear on the dates currently set. Those cases will be assigned to the judge who appears on that scheduled date rather than reassigning cases to a particular Magistrate. This will save notifying all persons of a different date. In short, all dates will remain the same, the Magistrates will just change.
6. **Old Business.**
 - A. **Magistrate's Event.** Section council had previously discussed the possibility of holding a dinner to recognize the efforts of the Magistrates who are departing as of January 26, 2010. Motion was made to authorize the one-person committee to set up arrangements for such a recognition event to be held in the metropolitan Detroit area on or about January 27, 2010. Motion was made by Member DeGraw, seconded by Member Flynn and unanimously adopted by the Section council. Member Charles Palmer has agreed to undertake this particular activity.
 - B. **Crystal Mountain.** The Chair advised that all Contracts in preparation for the Crystal Mountain event had been carried out. The Chair would be sending out an e-mail notifying the Section membership of the date of the event and Member DeGraw agreed to take on the task of preparing a presentation for the newsletter to be submitted in the March newsletter for the Section.

- C. **Hall of Fame.** Discussion was held with regards to revisiting the Hall of Fame candidacy of non-lawyers, practitioners and Agency representatives. It was submitted by Member Palmer that Jack Nolish, John Charters and Tim Esper be assigned to a Committee to develop criteria for and identification of possible non-attorney division individuals for induction into the Hall of Fame and the procedure for nominating such individuals and their election to a non-attorney division in the Hall of Fame. This motion was made by Member Palmer, seconded by Dennis Flynn, and passed unanimously.

- D.. **Las Vegas Trip.** Discussion was held with regards to a trip to Las Vegas by the Section. It was determined that the Workers' Compensation Section attempt to do so in a matter that does not incur cost to the Section. Motion was made by Member DeGraw authorizing the Chair and Member Housefield to commit to a Las Vegas trip which will cost each person no more than \$1,000.00. The Chair and Mr. Housefield are to strive to make this event as cost neutral as is humanly possible to the Section. Motion by DeGraw, seconded by Member LeVasseur and unanimously approved by the Section.

- E. **Chairperson's Golf Outing.** Member William Housefield presented a set of bids dealing with the cost of handling the Past Chairpersons Dinner and golf event for May, 2010. The council discussed the alternatives. Motion was made by Member Sims to accept the bid from Forest Akers with the proviso that the Section would pay for the golf of the past presidents only, and accepting the bid as set forth in the attachment hereto. Motion was seconded by Member LeVasseur and the Council adopted this unanimously.

- 7. **New Business.**
 - A. A request for an advertisement of a job opportunity within the Section newsletter was discussed. Apparently counsel in the upper peninsula had contacted the Chair concerning the presentation in the newsletter of an advertisement for an employment opportunity in the field of claimant's workers' compensation practice. After some discussion, motion by Member Palmer was made to allow an advertisement of employment opportunities within the Section newsletter. Motion was seconded by member Esper and adopted unanimously by the Council.

 - B. Chairperson reported that Senator Stabenow has issued a letter to the Social Security Administration concerning the difficulties with Medicare Set-Aside accounts and the discrepancy between the numbers of pending cases between the State and the Social Security Administration.

- C. The Chair also indicated that news has reached the Compensation Section that the Social Security Administration will be setting up as many as two to three new hearing sites in the State of Michigan and appointment something like 10 to 20 new Judges to hear those cases.
- 8. Moved for adjournment. Seconded and the committee unanimously approved the motion to adjourn.

These minutes are respectfully submitted for approval by Secretary John Sims.