

Amendment to Minutes of Special Meeting  
Of the Workers' Compensation Section Council on  
July 18, 2014

On July 12, 2014, Chairperson J. William Housefield called for a vote for a Special Meeting of the Workers' Compensation Council for Friday, July 18, 2014 to discuss proposed rules from the Michigan Administrative Hearing Services. An electronic vote was called for and by Monday, July 14, 2014 at 12:00 pm we had 9 members vote in favor of the Special Meeting, with one abstention. Therefore, the request for the meeting passed.

This vote was left out of the July 18, 2014 minutes and was addressed at the September 26, 2014 Council Meeting. A motion was made to amend the prior Minutes to reflect the vote and, upon being seconded, all members present voted in favor of the amendment.

Respectfully submitted,

Ella Parker, Secretary, Workers' Compensation Section of the State Bar of Michigan

## Minutes of Special Meeting of WC Section Council–July 18, 2014

**Members Present:** Housefield, Rabideau, Flynn, Conklin, Bava, Chizick, Hamm, Sesi, Kirschner. Frame abstained. Also present Chief Magistrate Klaeren and Director Elsenheimer.

A special meeting of the Council was held to discuss proposed MAHS Administrative Hearing Rules. The purpose of the meeting was to gain a better understanding of the potential impact the proposed rules would have on the workers' compensation practice, and what, if any, changes to the proposed rules the Council would support.

Chairperson Housefield called the meeting at 9:10 a.m.

Chief Magistrate Klaeren presented background information on the development of the proposed rules, and her opinions of the impact that these rules will have on the practice. She indicated that the proposed rules have been in the works for the last 1 ½ years. She stated that any changes to the proposed rules this late in the game would be by way of comments at the public meeting or written requests. The public meeting is scheduled for July 30<sup>th</sup>. She anticipated that very little changes to the proposed rules would happen. Director Elsenheimer concurred with Klaeren's comments. Any recommendations for change by the Council or others must be very focused.

Council members expressed their concern about R 792.11313 Discovery. The concern is that the language is too broad and will result in more discovery requirements than we have seen in the past. Klaeren explained that this will open up discovery more than we have seen in the past, but that discovery is already implied in the case law (*Stokes*). Magistrate Klaeren stated that the language "at the discretion and under the supervision of the magistrate" places limitations on discovery.

The Council also discussed concerns in the proposed general rules expressed by attorney Robert MacDonald. Magistrate Klaeren said that the specific workers' comp rules prevail if there is a conflict between the two sets of rules. The proposed general rules most concerning to some council members include R792.10115 Motion practice and R792.10128 Summary disposition.

The Council had a long discussion about the proposed rules and their potential impact on the practice of workers' compensation.

Chizick made a motion to exclude workers' compensation from R792.10128 Summary disposition by adding the Workers' Compensation Act under subpart 4. The motion was not seconded.

The Council agreed to schedule a continuation of this meeting on 7/23/14 at 4:00 p.m. to discuss and vote on motions for specific written changes to the proposed rules. Meeting was adjourned.

Respectfully Submitted,

Chris Rabideau , acting on behalf of Secretary Ella Parker in her absence.