

STATE BAR OF MICHIGAN
WORKERS' COMPENSATION LAW SECTION

MEETING MINUTES: 6/18/2010

This was the annual Section meeting held at Crystal Mountain. The meeting was called to order by Chairperson Joel Alpert.

Speakers

Chairperson Alpert introduced the first speaker, Chita Hunter of Hunterdesigns@mac.com. Ms. Hunter did a presentation regarding Adobe Acrobat 9.

The next speaker was Tom Matson who spoke regarding the solution to Centers of Medicare and Medicaid Services that can be provided by Medivest. This is a professional administrator of custodial accounts. Pricing is done by taking the total MSA x 20% divided by the rated age life expectancy and this will equal the annual fee. There is a \$1,950.00 set up fee and a \$500.00 per year minimum with a \$1,950.00 per year maximum fee. In addition, there is a self administration kit sold by Medivest for \$750.00.

Attendance

At the conclusion of the second speaker, 47 people had signed the attending sheet. They are Tim Esper, Joel Alpert, Mark Viel, Tom Cypher, Jack Nolish, Murray Gorchow, David DeGraw, Bert Fortoy, Denice LeVasseur, Danielle Susser, Renaldo DeFrank, Richard Warsh, Joshua Syme, Shawn Quinn, Paula Gregory, John P. Charters, Dennis Flynn, Ella Parker, Chuck Palmer, W. Crawforth, John M. H. Ulrich IV, Jim Joyce, Karl Bender, Tom Ruth, Floyd Steele, Bill Housefield, Michael Brenton, Tom Fleury, George Tarnavsky, Dave Lewsley, Lindsay Dargc, David Cuttner, Chris Rabideau, Allen Geurink, Chris Ambrose, Susan Corbin, Tom Matson, Jayson Chizick, Ron Randall, Kristin Lusn, Andrea Hamm, Rick Ehrlich, Jim Geroux, Len Hickey, J. Cooper, Tim Burns, and Norman LeVasseur

Treasurers' report

Denice LeVasseur presented the treasurers' report noting a balance of \$78,596.35 which is \$1,000.00 more than when Joel Alpert came into his position as Chair.

Report of Chief Magistrate Ambrose

Chief Magistrate Chris Ambrose spoke to the Section noting that we are down to 17 magistrates which has caused the case load to increase per magistrate from 450 to 750. Chief Magistrate Ambrose noted that the passing of Magistrate Mike Harris and that former Magistrate Ken Birch has agreed to return to the bench to fill out the balance of Magistrate Harris' term. He also noted that Magistrate Val Jarvis has left the Workers' Compensation Magistrate Bench to become a Social Security Administrative Law Judge. Former Magistrate Jim Kent has returned to the bench to replace Magistrate Jarvis. Magistrate Kent will be handling the Lansing docket.

Magistrate Ambrose advised that a consensus of stakeholders for an increase in revenue for fees has been unattainable. Magistrate Ambrose added that three magistrates are up for positions as

social security administrative law judges. Magistrate Ambrose had his final interview last week in Washington D.C. Magistrate Ambrose recommended that the number of magistrates be increased to 20 or 21, noting that we may be down to only 14 magistrates come August. We discussed the facilitation of cases and noted that there are 105 cases in which no decision has yet been written.

Chief Magistrate Ambrose asked the membership to step up and have these cases facilitated. He noted that he had discussed with Sue Corbin the idea of contracting former magistrates to get these cases facilitated.

He also discussed having Section members sign up to serve on panels of facilitations on cases up for trial.

Magistrate Ambrose noted that he will not be covering the docket in Flint as he will be off the bench writing decisions. He noted that the workers' compensation statute requires decisions within 42 days and this has not been accomplished. He acknowledged that the magistrates may not be able to try as many cases as in the past but this is due to the crippling of the system.

Council Member Mark Viel suggested that trials be bifurcated. Evaluation of the case after trial in part 1, without the Stokes' evaluation could be done. This would save time and money and if the case were not settled, trial could be concluded with the Stokes' evidence being submitted at part 2 of the trial.

Past-Chair Mike Brenton noted that some cases are not amenable to a 15 minute facilitation. Section Member Burns noted that he is in favor of a private arbitration if someone with authority for the defendant is present.

Magistrate Ambrose noted that the magistrates will be advised that their files are fungible. They will not be entitled to simply serve as a caretaker for the docket for whom they are covering.

Introduction of Sue Corbin

Director Nolish introduced Sue Corbin to the Section members.

Appellate Commission Report

Due to time constraints, Chief Appellate Commissioner Murray Gorchow was given only a short time to address the membership. He noted that after 7/1/2010 letters in lieu of motions will not be accepted as a request to extend time in which to file a transcript. He further noted that the Appellate Commission is in the process of revamping the appellate rules and that if Section members have any ideas they should advise the Appellate Commission of them.

ELECTION OF OFFICERS: Chairperson Alpert noted that the nominating committee for officers and new council members consisted of Joel Alpert, Mike Flynn, Vic Abela and Lenny Segel. The meeting of the nominating committee was held on June 10, 2010 by telephone. The nominees were as follows: Chair Dave DeGraw, Vice-Chair John Sims, Secretary Denice LeVasseur, Treasurer Chuck Palmer, Council Members John Charters for term ending 2012, John Housefield term ending 2013, Kristin Lusn term ending 2013 and Andrea Hamm term

ending 2013.

A vote was held and by an unanimous vote the candidates presented by the nominating committee were elected.

PRESENTATION OF GAVEL: A gavel was presented to incoming Chairperson David DeGraw by Chair Joel Alpert.

PRESENTATION OF PLAQUE TO CHAIR ALPERT: A plaque honoring Chairperson Joel Alpert for his service to the Section was presented.

CHAIR DeGRAW PRESENTATION: Chairperson DeGraw accepted the position as incoming Chair and promised to serve the interests of all members of the Section despite the fact that they are sometimes competing. He thanked Member Mark Viel for serving on the council and welcomed new council members Andrea Hamm and Kristin Lusn.

Chairperson DeGraw thanked Chris Ambrose, Jack Nolish and Murray Gorchow for their participation in Section counsel meetings. He noted that there will be a discussion in the next year about By Law changes and assured the Section membership that they will be a part of that process.

He noted that the workers' compensation law in the State of Michigan will be 100 years old in the year 2012 and that some form of celebration will be planned.

He noted that the Michigan Workers' Compensation Section has much to be proud of in that the Michigan workers' compensation laws are the best in the nation with the best advocacy. Chairperson DeGraw urged the members to be a part of the process that makes the Workers' Compensation Agency work. He noted that this is a difficult time but if we work together, we can get through it.

A Motion to Adjourn was seconded and passed by unanimous vote.

These minutes were prepared by Secretary Denice LeVasseur