

Minutes of WC Section Council Meeting–May 9, 2014

Members Present: Palmer, Housefield, Rabideau, Flynn, Parker, Combs, Esper, Conklin, Bava, Chizick, Frame and Hamm.

1. Chuck Palmer called the meeting at 10:40 a.m.
2. **Secretary's report:** The secretary's report of the April 4, 2014 meeting was discussed. Following a motion to accept the minutes, the motion passed.
3. **Treasurer's Report:** Ella Parker gave the Treasurer's Report. She reported that there was \$81,112.72 as of March 2014. Following a motion to accept the treasurer's report, the motion passed.
4. **Summer Meeting:** Chuck Palmer provided a Summer Meeting update. He stated that he had spoken with Kevin Elsenheimer, the director. Mr. Elsenheimer indicated that there was no proposal of rules for evidence based medicine (EBM) to be considered in the immediate future. Nonetheless, Mr. Palmer is pursuing speakers for the meeting to discuss EBM because it remains an important workers' compensation issue. He mentioned that he has been in contact with people in the state of Minnesota who may be interested in speaking. Minnesota uses ODG. Mr. Palmer asked for other suggestions for topics. Andrea Hamm said that other section members expressed an interest in the topics of opioid abuse and how ACA (Obama Care) may impact the workers' compensation practice. Mr. Palmer also reported that the resort was giving the Section a three or four bedroom house free of charge. He suggested that this could be a common place for everyone to get together following dinner on Thursday night and Friday night. He volunteered to contribute adult beverages for the party and asked for donations from others. He thought it would be a good idea to have someone monitor the place and lock up at night. Rosa Bava volunteered to take this responsibility. Mr. Palmer also reminded all Council members that there will be a meeting on June 19 at 4:00 p.m. to discuss final issues and details of the annual meeting.
5. **Magistrate's Report:** Chief Magistrate Lisa Klaeren stated that there have not been any significant changes since her last report. She informed the Council that there will be eight magistrates up for reappointment in January 2015. She did not believe there would be any announcements regarding those slots until after the election in November. She also stated that there were currently 15 magistrates, and based on the reduction in number of cases being filed, that number may be reduced.

Judge Klaeren discussed the City of Detroit's bankruptcy and its impact on the workers' compensation cases against Detroit. She said that there are 270 filed cases. At the time of this meeting, Judge Klaeren did not know whether the workers' compensation cases would be liquidated, put in expedited status for trial,

or handled in a normal course. She believes that there is going to be a hearing sometime this month in the Bankruptcy Court to determine how the Agency can move forward with these cases. She said that there is no definitive plan for expedited hearings, but suggested that these cases could be handled with the help of multiple magistrates throughout the state with dates set aside on Mondays or Fridays for the specific purpose of resolving these cases quickly. She said that there is a desire to have these cases resolved by October, but this is not realistic because many of the cases are over 12 months old, have been in await status because of the bankruptcy, and require a lot of work by the attorneys before they will be ready for trial.

Judge Klaeren also discussed the Delphi cases. She said that there are roughly 300 cases in await status that have been there for about five years. There are bills proposed in the House of Representatives by the Funds Administration that would deal with increasing the assessments. She hopes that with an increase in the assessments and additional general fund money, the Funds Administration will start pulling these cases out of the await status and start resolving them to the extent that money is available. If funding comes to fruition, she hopes that the Funds Administration and Agency can start moving on these by the Fall 2014.

Chuck Palmer asked whether the Bankruptcy Court would place a specific cents-on-the-dollar value for pending Detroit workers' compensation cases or would the cases be handled in the normal course of business. Andrea Hamm's firm has some involvement with the Detroit bankruptcy. Andrea said that under the current agreement, all workers' compensation cases will be handled as they have always been handled, and that settlements will not be reduced by a percentage. Andrea said that there will be hearings in June regarding this agreement.

6. **Nominating Committee:** Chuck Palmer reported that we have a nominating committee consisting of Rick Warsh, Dave DeGraw, Themis Fotieo, and Teresa Martin. There was a discussion about the current disparity between employee and employer reps on the Council. The officers moving up next term include Housefield as chair, Rabideau as vice-chair, Parker as secretary and Esper as treasurer. The three terms for members expiring this term include Combs, Conklin, and Esper. Combs and Conklin have expressed a desire to be reappointed. Therefore, the only new member for the nominating committee to consider is an east-side plaintiff to fill Esper's position. This is unless others come out of the woodwork to challenge Combs' or Conklin's positions. Chuck will send a notice to the nominating committee regarding their responsibilities.

The meeting was adjourned.

Respectfully Submitted,

Christopher J. Rabideau, WC Section Council Secretary