

Minutes of 10/20/2017 Council Meeting

Meeting called to order by Chairperson Tim Esper at 9:00 a.m.

Present at the meeting via Fuse utilizing ID #35684562 were the following: Tim Esper, Rosa Bava, John Combs, Dan Zolkowski, Sean Shearer, Jayson Chizick, Phillip Frame, Lisa Klaeren (Chief Magistrate, Board of Magistrates), Mark Long (Director of Workers' Compensation Agency) and Andrea Hamm.

1. Secretary Report – Andrea Hamm.

The minutes from the September 8, 2017 meeting were adopted via email on September 25, 2017.

2. Director's Report – Mark Long.

Mark Long advised that his focus has been the new electronic filing system and making sure that the calculation program is live in January 2018.

Director Long discussed the check box and how it is no longer valid and that the general position of most parties he has discussed the check box with is that we have to consider Medicare's interest regardless. If there is no set-aside then the entire settlement is up for grabs by Medicare.

Councilman Frame advised that he has been working on a new check list and is hoping to have a draft to pass out at the Winter Meeting to gather opinion concerning the draft from the entire membership.

Lisa Klaeren is hoping to have some input from members and Kathy Wyeth after the Winter Meeting as well.

3. Chief Magistrate's Report – Lisa Klaeren.

Lisa Klaeren discussed the GM and Delphi cases and how this is affecting the statistics. As a result, the average statistics are now 21.6 months from pretrial to redemption. It is as if the GM or Delphi cases took 7 years to resolve which is affecting our monthly statistics. The average facilitations are at 14 per month. The case count has dropped slightly with the statistics for 2016 just over 9,300 cases and as of August this year we have only 9,000 filed.

Mr. Frame and Chief Magistrate Lisa Klaeren discussed meeting next week to go over the checklist to hopefully have a new draft prior to the Winter Meeting. Chief Magistrate Lisa Klaeren suggested that in addition to Director Mark Long, Mark Frame and Jayson Chizick that Magistrate Grunewald and Magistrate Timmons be added to this discussion. The meeting is to take place next week in Okemos.

4. MCAC Report – George Wyatt.

Mr. Wyatt was not able to attend the meeting and provided an email dated October 18, 2017 which Mr. Esper dispersed to the entire council on October 19, 2017. Chairperson Esper in the meeting highlighted the case numbers, the amount of dispositions that have occurred this year compared to last year as well as the increase in unemployment cases that is putting a damper on the ability of the Appellate Commission to make Workers' Compensation determinations. I have attached Mr. Wyatt's October 18, 2017 email to these minutes.

5. Newsletter and Remote Meeting Service Provider – Jayson Chizick.

Mr. Chizick again requested that individuals participate and provide articles for the upcoming newsletter. Mr. Chizick requested an article specifically from Director Long. Mr. Chizick also recommended putting out a flyer requesting articles from our membership at large.

Mr. Frame indicated that he may provide an article concerning cases with unique facts and legal issues. Mr. Chizick suggested it be called "Frame's Corner".

Mr. Chizick indicated that he was going to attempt to utilize Google hangouts for our Winter Meeting to determine if it could be used for the council's ongoing monthly meetings.

Andrea Hamm recommended that Jayson Chizick contact Daryl Royal or Marty Critchell for newsletter articles. Specifically, Marty discussed with Ms. Hamm the day prior the effects of states opting out of workers' compensation which she suggested could be a possible topic for the newsletter.

6. Legislative/Rules Update – Jayson Chizick/John Combs.

Mr. Combs advised there is new House Bill 5089 which is adding breast cancer as an addition to medical conditions that are automatically considered for in the course for fire fighters and first responders.

7. Treasurer's Report – Rosa Bava.

Ms. Bava emailed the financial report she received from the State of Michigan on October 19, 2017 to all members of the council. Chairperson Esper asked for discussion. Ms. Bava as well as Chairperson Esper advised that the State of Michigan is going to be adding donations as a category due the fact the miscellaneous category is targeted for review and due to our regular donations to Kids Choice they would be adding that category to hopefully reduce the necessity for reviews of the miscellaneous category. I have attached the sections financial reports. After this short announcement Chairperson Esper called for a vote to adopt the Treasurer's Report. Jayson Chizick moved to adopt. Andrea Hamm seconded and the motion passed.

8. Winter Meeting – Andrea Hamm/ Phillip Frame.

Chairperson Esper asked Dan Zolkowski questions concerning interest in participation in the Winter Meeting by individuals above Clare due to the fact the council had

previously agreed by motion to allow payment of rooms to practitioners above Clare. Mr. Zolkowski indicated that these members have to drive anywhere from 5 to 8 hours to attend the meeting and that could be why no one has shown interest in attending the meeting even with the free room offer. Mr. Zolkowski indicated that he would be in Traverse City and Escanaba over the next few weeks and that he would be touching base with individuals personally to determine if anyone has any interest in staying in the block of rooms we intend to obtain.

Andrea Hamm based on Dan Zolkowski's information will be obtaining a cancellation date from the hotel just in case no one wishes to utilize the free rooms.

Chairperson Esper indicated that Kathleen Wyeth would be taking an entire hour and therefore another speaker would not be necessary.

Andrea Hamm informed the group that Marty Critchell would be providing an Appellate update.

9. 2018 Annual Meeting – Tim Esper – Hotel Indigo, Traverse City.

Chairperson Esper indicated that he signed the contract for the Hotel Indigo for June 14th and June 15th for the Annual Meeting. He also confirmed our previous decision to provide our entire membership with a free seminar including the cocktail, Hall of Fame dinner Thursday night and breakfast Friday morning.

Chairperson Esper also indicated that Michael Brenton has in fact confirmed his condo as an after party for the Thursday night and that Mr. Brenton will be hosting a wine tour again.

Chairperson Esper requested if any council members wanted to join the Annual Meeting Committee and Mr. Zolkowski volunteered.

10. Hall of Fame – Review Criteria? Tim Esper/John Combs.

After a short discussion between Chairperson Esper and Mr. Combs prior to the 10/20/2017 council meeting, it was determined to withdraw this topic from the agenda.

11. Update cell phone list - Phil Frame/Tim Esper.

Mr. Esper provided a notice to be hung up at the various bureaus to obtain cell information from practitioners. This document is attached to the minutes for members to print off and circulate at the bureaus. All agreed that both cell and office numbers should be included on the list.

12. Kid's Chance.

Chairperson Esper requested discussion concerning donating \$5,000.00 again to Kid's Chance this year. No discussion took place; therefore, Chairperson Esper called for a motion. Andrea Hamm moved. Jayson Chizick seconded and the motion was adopted to donate \$5,000.00 to Kid's Chance.

13. New Business.

Chairperson Esper advised that January 19, 2018 meeting would need to be changed due to MAJ having a seminar for Workers' Compensation and Social Security Disability on the same date. After a short discussion, January 12, 2018 was selected as the new January meeting date. Due to the fact that Andrea Hamm has a conflict on this date, Phil Frame agreed to take notes for this meeting.

Chairperson Esper suggested increasing dues due to reducing membership from death and/or retirement. Chairperson Esper advised that the bylaws only allow for a \$5.00 increase per year and the vote has to come from the entire membership. Therefore, we would not be able to vote on it until June of 2018 and it would not come into effect until the following January which would be January of 2019.

14. Meeting adjourned.

The meeting was adjourned at 9:59 a.m.

Future Meeting Dates:

December 8th, Annual Winter Meeting – Inn at St. Johns

January 12th

March 2nd

April 13th

May 14th

June 14th at 4:00 p.m. – Annual Summer Meeting – Hotel Indigo, Traverse City

Andrea Hamm

From: Tim Esper <jte@esperlaw.com>
Sent: Thursday, October 19, 2017 9:54 AM
To: George Wyatt (gwyatt3@gmail.com); Mark Long (longm1@michigan.gov); Lisa Klaeren (klaerenl@michigan.gov); Michael Hohausen (mhohausen01@gmail.com); Andrea Hamm; Chris Westgate (chris@rpplawfirm.com); Dan Hebert (daniel.hebert@micompdefense.com); Dan Zolkowski (dan.zolkowski@accidentfund.com); Dennis Flynn (dflynn@harveykruse.com); Ella Parker (ella.parker@accidentfund.com); Jayson Chizick (jayson@jtrucks.com); Jeff Kirschner (jeffrey@kirschnerlaw.net); John Combs <jcombs@hickeycombs.com>; Phil Frame (framep@michigan.gov); Rick Lovernick (rlovernick@conklinbenham.com); Rosa Bava (rosa.bava@thehartford.com); Sean Shearer (sshearer@chartersheck.com); Tim Esper
Subject: FW: Friday's meeting

Hello again

George Wyatt reminded me that he is unable to attend the meeting tomorrow. Below is his e-mail with his report.

Tim Esper

remote office (home) 313 309-2279

cell/text 313 820-0840

jte@esperlaw.com

From: Wyatt III, George (LARA) [mailto:WyattG@michigan.gov]

Sent: Wednesday, October 18, 2017 10:28 AM

To: Tim Esper <jte@esperlaw.com>

Subject: Friday's meeting

I will be out of state at the time of this Friday's council meeting, so am submitting this e-mail as a status report regarding the Michigan Compensation Appellate Commission (MCAC).

The MCAC has issued 35 WC decisions thus far in 2017, compared with 26 for calendar year 2016. We have been attempting throughout 2017 to have a panel of three commissioners working full time on WC. This plan was interrupted in late September when the Unemployment Insurance Agency (UIA) communicated that it had located roughly 230 appeals to the MCAC it had accumulated over the last several years and would be sending them as a group to us for handling. These appeals were at least two years old and in some cases date to 2009. We are regularly vetted by the United States Department of Labor (USDOL) for timeliness, notably using a 40 day average case age (ACA) target benchmark. We had reported steady improvement in this number throughout 2017 and reported 54 days in September. We had expected to be at 51 days or less for October until news of the old appeals reached us. As of Monday, October 17, we were instead at 327 days, down slightly from a high the previous week of 335 days. We are working through this group of old appeals as quickly as we can and should report a better number at month end. But this development has placed us in the worst ACA situation the MCAC has seen since inception, by a wide margin. It has required us to devote full resources to moving out these old appeals so WC again is sidetracked by UIA for reasons other than an increase in unemployment in the State. We hope the current WC panel will be back working on WC before Thanksgiving. Meanwhile, there is work in process in the WC pipeline at the MCAC so more decisions should issue before year end.

As of last Friday, 90 WC appeals pended before the MCAC, a pretty constant number for some weeks now. That compares with 834 unemployment (UI) appeals as of last Friday, a number that is up from 577 at the end of September.

State Bar of Michigan
General Ledger

Pages: From:
Date: 10/1/2016
Account: -9- -925-

To:
9/30/2017
-9- -925-

Subtotal By: No Subtotals
Sorted By: Segment1

Include: Posting

Account: 1-9-99-925-1145 Description: WC Sec Web Site Maintenance Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/16/2016	120,744	Oct 2016 Modern Firm	23059	Chase Manhattan Bank US/Chas	\$25.00	
1/16/2016	120,747	Nov 2016 Modern Firm	23390	Chase Manhattan Bank US/Chas	\$25.00	
2/21/2016	121,466	Dec 2016 Modern Firm	23724	Chase Manhattan Bank US/Chas	\$25.00	
1/10/2017	121,921	Jan 2017 Modern Firm	24076	Chase Manhattan Bank US/Chas	\$25.00	
1/10/2017	122,468	Feb 2017 Modern Firm	24421	Chase Manhattan Bank US/Chas	\$25.00	
1/16/2017	122,990	March 2017 Modern Firm	24790	Chase Manhattan Bank US/Chas	\$25.00	
1/23/2017	124,090	April 2017 Modern Firm	25146	Chase Manhattan Bank US/Chas	\$25.00	
1/23/2017	124,093	May 2017 Modern Firm	25476	Chase Manhattan Bank US/Chas	\$25.00	
1/20/2017	124,613	June 2017 Modern Firm	25842	Chase Manhattan Bank US/Chas	\$25.00	
1/17/2017	125,719	July 2017 Modern Firm	26210	Chase Manhattan Bank US/Chas	\$25.00	
1/17/2017	125,723	August 2017 Modern Firm	26558	Chase Manhattan Bank US/Chas	\$25.00	
1/30/2017	126,748	Sept 2017 Modern Firm	26950	Chase Manhattan Bank US/Chas	\$25.00	
Net Change						
Ending Balance						
Totals:					\$300.00	\$300.00
Account: 1-9-99-925-1145					\$300.00	\$0.00

Account: 1-9-99-925-1276 Description: Meetings Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/5/2017	121,647	12/9/16 Council Meeting	12/9/16 MEETING	Parker, Ella	\$97.35	
1/25/2017	122,003	12/20/16 WC Meeting	9260	Crowne Plaza Lansing West/Lake	\$3,896.20	
1/10/2017	123,899	4/24/17 WC Meeting	4/24/17 WC MEETING	Westgate, Christopher M.	\$1,402.00	
1/1/2017	124,210	2017 Past President Meeting	2017/PAST PRESIDENT	Westgate, Christopher M.	\$177.45	
Net Change						
Ending Balance						
Totals:					\$5,573.00	\$5,573.00
Account: 1-9-99-925-1276					\$5,573.00	\$0.00

Account: 1-9-99-925-1283 Description: Seminars Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/31/2017	125,821	August 2017 E Blast Expense			\$75.00	
1/27/2017	126,286	6/10/17 BLF/UMLI Travel	6/10/17 TRAVEL	J. Timothy Esper	\$956.68	
1/30/2017	126,322	September 2017 E Blast Expense			\$75.00	
Net Change						
Ending Balance						
Totals:					\$1,106.68	\$1,106.68
Account: 1-9-99-925-1283					\$1,106.68	\$0.00

Account: 1-9-99-925-1297 Description: Annual Meeting Expenses Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
0/1/2016	120,119	Mission Point FY 17 Deposit			\$1,000.00	
1/31/2017	124,249	May 2017 E Blast Expense			\$75.00	
1/22/2017	124,954	SBM Staff Assistance & Badges			\$146.60	
1/28/2017	124,782	WC Plaque 6/17	37192	Lachman & Company	\$498.42	
1/27/2017	126,287	6/22/17 WC Meeting	6/22/17 WC MEETING	Danial Hebert	\$750.00	
1/29/2017	126,309	6/22/17-6/24/17 WC Meeting	6/17 WC EVENT	D and S North LLC dba Mission P	\$12,915.82	
Net Change						
Ending Balance						
Totals:					\$15,385.84	\$15,385.84
Account: 1-9-99-925-1297					\$15,385.84	\$0.00

Account: 1-9-99-925-1833 Description: Newsletter Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/30/2016	120,919	November 2016 E Blast Exp			\$75.00	
1/30/2016	121,082	11/16 Printing & Typesetting			\$525.00	
1/31/2017	123,197	3/17 Printing & Typesetting			\$525.00	
1/31/2017	123,248	March 2017 E Blast Expense			\$75.00	
1/31/2017	125,821	August 2017 E Blast Expense			\$75.00	
1/31/2017	125,912	8/17 Printing & Typesetting			\$390.00	
Net Change						
Ending Balance						
Totals:					\$1,665.00	\$1,665.00
Account: 1-9-99-925-1833					\$1,665.00	\$0.00

Account: 1-9-99-925-1868 Description: Postage Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/31/2017	124,191	May 2017 Postage Expense			\$0.45	
1/31/2017	125,289	July 2017 Postage Expense			\$0.45	
Net Change						
Ending Balance						
Totals:					\$0.90	\$0.90
Account: 1-9-99-925-1868					\$0.90	\$0.00

Account: 1-9-99-925-1987 Description: Miscellaneous Beginning Balance: \$0.00

rx Date	Jrnl No.	Description	Document #	Vendor	Debit	Credit
1/21/2016	120,770	2016 Workers Comp Donation	2016 WC DONATION	Kids' Chance of Michigan Inc	\$5,000.00	
1/31/2017	125,288	Jul 2017 E Blast Expense			\$75.00	

State Bar of Michigan

Account: 1-9-99-925-1987		Totals:	Net Change	Ending Balance			
			\$5,181.00	\$5,181.00	\$5,181.00	\$0.00	
Grand Totals:		<u>Accounts</u>	<u>Beginning Balance</u>	<u>Net Change</u>	<u>Ending Balance</u>	<u>Debit</u>	<u>Credit</u>
		7	\$0.00	\$29,212.42	\$29,212.42	\$29,212.42	\$0.00

10/17/17

State Bar of Michigan
Workers Compensation Law Section
For the Twelve Months Ending September 30, 2017

	<u>Current Activity September 2017</u>	<u>Year To Date September 2017</u>	<u>Year to Date September 2016</u>
Revenue:			
1-7-99-925-1050 Workers Comp Sec Dues		16,530.00	17,640.00
1-7-99-925-1125 Seminar Revenue		3,640.00	2,315.00
Total Revenue		<u>20,170.00</u>	<u>19,955.00</u>
Expenses:			
1-9-99-925-1145 W C Sec Web Site Maintenance	25.00	300.00	260.00
1-9-99-925-1276 Meetings		5,573.00	571.26
1-9-99-925-1283 Seminars	1,031.68	1,106.68	4,510.42
1-9-99-925-1297 Annual Meeting Expenses	13,665.82	15,385.84	9,068.06
1-9-99-925-1493 Travel			2,193.60
1-9-99-925-1833 Newsletter		1,665.00	600.00
1-9-99-925-1868 Postage		0.90	
1-9-99-925-1987 Miscellaneous	106.00	5,181.00	146.50
Total Expenses	<u>14,828.50</u>	<u>29,212.42</u>	<u>17,349.84</u>
Net Income	(14,828.50)	(9,042.42)	2,605.16
Beginning Fund Balance:			
1-5-00-925-0001 Fund Bal-Workers Comp Section		78,268.99	75,663.83
Total Beginning Fund Balance		<u>78,268.99</u>	<u>75,663.83</u>
Ending Fund Balance		69,226.57	78,268.99

UPDATED ATTORNEY **CELL PHONE LIST**

**TO ADD A NAME TO THE ATTORNEY
CELL PHONE LIST, TO HAVE YOUR
NAME REMOVED, OR TO ALERT US TO
MEMBERS WHO HAVE PASSED ON:**

CALL OR E-MAIL ASHLEY

(Ass't to Tim Esper and Mark Aiello)

313 964-4900

ashley@esperlaw.com

Tim Esper

Chairperson, Workers' Comp Section

cell/text 313 820-0840

jte@esperlaw.com