

# STATE BAR OF MICHIGAN SECTION MINUTES

Instructions: Please report to the Bar office five business days from the Council meeting date.

Section: *WORKERS' COMPENSATION*

Date and Time of Meeting: *9-7-12 9:00*

Location of Meeting: *DIMONDALE AGENCY*

**Attendance:**

Member	Present	Absent	Excused
Teresa L. Martin, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles W. Palmer, Vice Chairperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. William Housefield, Jr., Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher J. Rabideau, Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis P. Flynn, Grand Rapids	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Mousin Sesi, Mount Clemens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin P. Kales, Royal Oak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew R. Conklin, St. Joseph	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timothy J. Esper, Detroit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ella S. Parker, Grand Rapids	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillip Frame, Lansing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Alana Lusn, Royal Oak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Hamm, Detroit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Agenda:**

Please check the left-hand box if the item has an addendum or attachments, for example a listing of additional information, exhibits, schedules, and/or reports.

<input type="checkbox"/>	Item: Action Taken:  <i>SEE ATTACHED MINUTES</i>
<input type="checkbox"/>	Item: Action Taken:
<input type="checkbox"/>	Item: Action Taken:

**Next Meeting:**

Date and Time: *10-5-12 9:00*  
Location: *DIMONDALE AGENCY*

Submitted by: *[Signature]* P-30815

Please return this form to Sandi Barger, sbarger@mail.michbar.org, so the minutes may be archived on the web.

## Minutes of WC Section Council Meeting - September 7, 2012

Members Present: Martin, Housefield, Conklin, Kales, Parker, Rabideau, Frame, Hamm, Sesi, Lusn, and Guest: Jack Wheatley, Guest: Rosa Bava, Guest: Jack Nolish

1. Teresa Martin called the meeting to order at 9:06 a.m.
2. **Secretary's report:** Chuck Palmer, immediate past secretary, could not be present but did provide a copy of his minutes of the meeting of June 21, 2012. Following discussion, motion to accept the provided minutes of June 21, 2012 was passed.
3. **Treasurer's report:** Chris Rabideau reported a current balance of \$75,041.58. He pointed out that the large expense of the annual meeting at Mission Point, which was ~~\$19,149.13~~, had been subtracted from the previous balance. He noted that Section dues will be payable in October and November of 2012, which should increase the balance accordingly. He also received notice from the State Bar that any unpaid expenses should be submitted to the treasurer by the end of September, when the State Bar audits all Sections. Motion to accept the report was passed.  
*\$ 18,856.65*
4. **Director's report:** Jack Nolish, on behalf of Kevin Eisenheimer, reported the new Health Care Service Rules had been promulgated and that after expiration of 15 session days of the legislature, they will go into effect. He thought that that would be toward the latter part of 2012. He also indicated that the Agency had a new electronic system, which will allow the electronic filing of applications for hearing, reporting forms by employers, among other things.
5. **MCAC report:** Jack Wheatley, Chair of the MCAC, was present and reported that the MCAC had been in existence for approximately one year. He reminded everyone that his Commission heard appeals from both the Unemployment Agency and Workers' Compensation Agency. He reported a year ago the backlog for a case to be decided on appeal for a UI case was 1,045 days. It is currently 62 days. They receive approximately 105 cases per month from UI. For workers' compensation cases, they receive anywhere from zero to eight new appeals per month. They have six people that are working on workers' compensation appeals, and they all have workers' compensation background.
6. **Chief Magistrate's report:** Lisa Klaeren reported that the Agency has nine positions up for reappointment in January. She suggested that anyone who wishes to file an application to become a magistrate should have that submitted sooner than later

and that a deadline in December would be established. She did confirm that the Flint Agency was closing both the workers' comp and the unemployment offices. Unemployment would be going to Saginaw. She reported that any cases where the injury date was in Lapeer County would go to Pontiac. She estimated that there was just under 100 such cases. All cases with injuries in Genesee County will be sent to Dimondale. The majority of cases will be sent to Dimondale. She further reported that the Grand Rapids Unemployment Agency will be closing, but the Workers' Compensation Agency will remain open. She indicated that MAHS looked at a number of factors, including lease space, lease cost, and available space in arriving at their decisions. She could not give an exact time line but thought that it would be some time toward the end of the year or the very first part of January 2013. She did not believe there would be any pretrials held in Flint in December 2012 or January 2013. She reported it appeared at the present time that Magistrate Tjapkes and Magistrate Birch would be in Dimondale full time. A new courtroom will be created in Dimondale. She was asked whether or not the number of magistrates will be reduced. She stated that no decision has been made but also reminded us that Joy Turner's position in Detroit had not been filled. It was agreed that an e-mail blast would be sent out by the Section concerning the need for applications to be submitted if anyone is interested in becoming a magistrate. Magistrate Klaeren also was asked if she was aware of anyone conducting a redemption by way of stipulation. She indicated that she was not, and a discussion was held as to whether the \$100.00 redemption fee would apply to a redemption by stipulation. It was her opinion and Deputy Director Nolish's opinion that the \$100.00 redemption fee still would apply to both parties.

7. **Centennial report:** Jack Nolish and Rosa Bava provided an update on the plans for the Centennial celebration. It was decided that Thursday night the guest speakers that were in town would be taken to dinner at Mario's. Rosa estimated that there would be approximately ten people with a cost of \$600.00. Rosa also anticipated that there would be approximately 100 people for breakfast the following day (including mainly Section members and guests) at a cost of \$5.50 per person. Although the committee was still \$1,000.00 under budget, they thought an additional \$1,000.00 would be needed to cover the above expenses. Member Housefield reminded them that the June minutes reflected the Council voted an additional \$1,000.00 to cover dinner expenses. It was decided that that should be sufficient funds to cover all expenses. It was decided that an e-mail blast would be sent out to the members reminding them of the time and date of the event. There will also be flyers that will be distributed to the various Agency locations. Mr. Nolish indicated that he would provide Ella Parker, Editor of the newsletter, with an appropriate article.

8. **Old business:** The issue of continuing problems with subpoenas was addressed. Andrea Hamm indicated that the language on the subpoenas concerning the providing of mileage expense for furnishing of records needed to be adjusted. She suggested language such as "and/or." Phil Frame indicated that he would ask someone in his department to take a look at this issue and report accordingly. It was also discussed that DMC continues to reject new subpoenas if the injury date is prior to December 2011. Member Hamm reports that she just has her client sign a HIPAA release form. Member Housefield indicates that he just has a magistrate sign the subpoena. It was agreed that having the magistrates sign subpoenas is the easiest and quickest fix and that with passage of time, most injury dates will be after December 2011, and the subpoenas signed by attorneys should be honored.
  
9. **New business:** Chairperson Martin had the closing of the Flint Agency on the Agenda for new business. Noting the previous discussions by Magistrate Klaeren, she also wanted to point out that she had received a letter from Attorney Bob MacDonald in Flint addressing the closing of the Agency and his belief that the closing violated Section 851. He felt the cases should be distributed either to Saginaw or Pontiac. Member Frame commented that Attorney MacDonald's legal argument appeared to have merit. Chairperson Martin indicated that she had scheduled a lunch with the Director and his boss for Monday, September 10, 2012, and that anyone that wanted to attend was welcome.

Next year's annual meeting also was discussed. Possible locations for the meeting included the Homestead, Bay Harbor Inn, and the City of Detroit. Members Parker and Conklin "volunteered" to serve as the co-chairs of the Summer meeting based on their vast knowledge and experience in handling this year's meeting on Mackinac Island. Andrea Hamm and Phil Frame agreed to co-chair the committee on the Winter meeting.

Future Council meetings were established as follows: October 5, 2012, November 2, 2012, December 7, 2012, February 1, 2013, March 1, 2013, April 5, 2013.

Meeting was adjourned at 10:25 a.m.

Respectfully submitted,  
J. William Housefield, Jr.  
Section Council Secretary