



Report on Public Policy Position

Name of Section:

Workers' Compensation Section

Contact Person:

Michael J. Flynn, Chairperson

Email or Phone:

(231) 726-4861

Bill Number:

Senate Bill 0889 (2003)

Date position was adopted:

Friday, 6/18/04

Process used to take the ideological position:

At the request of Craig Petersen, Interim Director of the Workers' Compensation Agency, Senate Bill 889 was placed on the Agenda for the scheduled Council meeting of the Workers' Compensation Section, Thursday, (6/17/04) at our Spring Seminar at Boyne Highlands. The meeting was attended by the entire Council with the exception of Attorneys Richard K. Skutt, Timothy McAree, and Gerald M. Marcinkoski, who had excused absences. Jack Nolish, Chairperson of the Workers' Compensation Board of Magistrates, was also present and joined in the discussion of the SB 889. After a full discussion, the Council meeting was adjourned until the next morning, Friday, 6/18/04, whereupon the Council discussion of Senate bill 889 continued. Also present at Friday's meeting was Craig Petersen, the Interim Director of the Workers' Compensation Agency. It was the unanimous vote of the Section members that the Section oppose Senate bill 889.

It should be noted that the Workers' Compensation Council is comprised of attorneys that represent employer/insurance as well as employee interests.

Number of members in the decision-making body:

9 of 12 (3 absent)

Number who voted in favor and opposed to the position:

9 For

0 Opposed

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

Oppose SB 889

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2003-SB-0889>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

Not applicable.

Arguments against the position (if any):

Not applicable.

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

Not applicable.

Fiscal implications of the recommended policy to the State Bar of Michigan:

Not applicable.

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competence, and the integrity of the profession.

Keller- permissible explanation:

Senate bill 889, if passed, places an onerous collection responsibility on the Workers' Compensation Agency. The bill, while expanding the duties of the WCA to include collection of support payments otherwise collected by the Friend of the Court without providing budget provisions for increased staff and computer support necessary for data management and enforcement.