

State Bar of Michigan
Workers' Compensation Section Council Meeting

Date: March 25, 2022

Location: Zoom only

<u>Member</u>	<u>Present</u>	<u>Not Present</u>
Jayson Chizick, chairperson	X	
Phil Frame, vice chairperson	X	
Matt Conklin, secretary	X	
Rick Lovernick, treasurer	X	
Jessica Stark	X	
John Tomasik	X	
Dan Zolkowski	X	
Jacob Bender	X	
Alicia Birach	X	
Sean Shearer	X	
Danial Hebert	X	
Sam Larrabee	X	
Ben Veldkamp	X	
Also Jessica Super—potential member	X	

Meeting Minutes

1. Call to Order

-welcome by Chairperson Chizick

2. Report of the Secretary (Frame)

-approval of February 25 meeting minutes

-motion to approve by Treasurer Lovernick // seconded by member Larrabee

-motion approved no opposition

3. Treasurer's report (Lovernick)

-reports from state bar all appear in order

-membership is slightly up—revenue will also be up slightly

-expenses are in order

4. WDCA Director report, Director Nolish

- scrivener's error discovered in discovery rules—should read claimant instead reads “claimant” then “employer.”
- update re: UIA position on provision of records—reviewing with AG’s office; stay tuned; Chairperson Chizik reported that following a motion hearing the UIA is providing pay ledger from date of injury forward
- Form C filings vs 104-A; no update from Director Nolish

5. BOM report, Chief Magistrate McMurray

- motion heard in Chief Magistrate’s courtroom about UIA subpoena issues; granted motion and ordered sanctions
- moving the Traverse City agency site; looking for options
- all hearing sites are mask-less

6. WDCAC report, Chair Royal

- first two appeals of 2022 received
- 33 pending appeals

7. Amicus Brief invitation from the Michigan Supreme Court

- Chairperson Chizick shared multiple e-mails regarding this issue from the Supreme Court and membership
- member Frame highlighted the difficult reaching a fair and balanced brief since this is a split section; recommends declining the invitation
- member Zolkowski highlighted that we represent the membership, and this issue could cause fracturing of the section; we should allow plaintiff and defense organizations to write a brief; procedural issues are potentially acceptable but substantive issues are very difficult
- Chairperson Chizick spoke about the diversity of our membership and our solidarity as a group; he does not feel the significant manner test is fair in psychiatric cases
- members agree that submitting two briefs does not make sense
- motion made to have Chairperson Chizick draft a letter and circulate it for approval; motion member Larrabee // second Treasurer Lovernick; all members in support-no opposition

8. Newsletter report (Birach)

- articles received from multiple authors
- hoping to publish on April 15
- state bar is updating its computer system so link for meeting is delayed; may not be included in newsletter

9. Ducey Award

- Treasurer Lovernick and member Bender discussed candidates
- discussion about this being not an annual award
- Treasurer Lovernick feels strongly that this should not a posthumous award
- Vice Chairperson Frame highlighted that the criteria for this award is behavior, civility, and humility that we want our practitioners to emulate
- Milton Means nominated—motion by Treasurer Lovernick and seconded by member Bender; all members in support

10. Summer meeting update

- golf contract signed; email sent by Member Zolkowski to known golfers to start building teams
- Crystal Mountain will contact us two months before scheduled event
- speaker line up will be prepared by Chairperson Chizick

11. Winter meeting update

- Member Tomasik secured date at St. John's; contract reviewed and revised; St. John's wrote a revised contract that was submitted to the state bar for review; Chairperson Chizick waiting for state bar to approve revised contract

12. Past Chairperson event

- Member Veldkamp reviewing potential dates and options for Tigers' game
- Vice Chairperson Frame recommended purchasing a block of tickets and having a lunch before the game at an outside venue
- Discussion on luncheon location and ticket options tabled until April meeting

13. Old business

- None

14. New Business

- None

15. Adjournment—next meeting April 22, 2022

- motion to adjourn by Vice Chairperson Frame // second by member Larrabee // meeting adjourned 10:09