

## **Minutes of June 17, 2008 Workers' Compensation Section Executive Committee Meeting**

Location: Hawthorne Inn. The meeting began at 5:40 PM.

The minutes from the March 12, 2008 meeting were not presented for approval, having been left behind by the Secretary.

Tracey Cleary gave the Treasurer's report. The account balance was \$17,766 as of May 31, 2008.

Bob Enright and Mark Leighton gave a status report on the Pomeranz/O'Brien award. Mark will circulate by e-mail a draft of the criteria for the award, which he generated after discussion with the Nominating Committee. The Executive Committee will vote on whether to accept these criteria at the next meeting, which will likely be in October 2008. The Nominating Committee also expects to present a nominee for the award at that time. Please submit any proposed changes to the criteria to Mark well in advance of the October meeting, as well as proposals for nominees.

Bob Enright will ask Justice Palmer to speak at our October meeting.

There was discussion regarding the approximately 100 extra booklets the CBA required Jack Clarkson to print for the annual meeting, at considerable cost to the section. Bob Enright will attempt to obtain these for section use. Jack believes that they are presently at the CBA office.

Frank May reported on the Specialization Committee. The CBA staffer appointed to assist this committee has been ill, so work has slowed somewhat. The Standing Committee is proposing rule changes which will have to be approved with respect to changes in the reference procedure for applicants, and also to require that a specified number of persons be eligible to take the test before it is administered. This may result in the test not being administered in some years.

Cori-Lynn Webber reported on her work as the chairperson of the website committee. The committee is working on having a separate password to access portions of the CBA site for workers' compensation section members only. One aim is to have all past issues of Compensation Quarterly reproduced and searchable on that site for section members. An index of CQ articles would be published in the public section of the site. CQ is already indexed through the end of Kristen Foley's tenure as chief editor. The committee is also attempting to establish a brief bank, again, only accessible by way of the separate password.

Donna Civitello reported on CQ. The editors are seeking an intern to index the CQ articles for the website. It is not clear whether we can simply pay an intern out of our budget, or whether CBA must approve payments. There was some discussion about the amount of remuneration. Donna will discuss with CBA.

Kevin Coombes reported on the Exotic Seminar in Portsmouth. There were 45 attendees. The section received approximately \$10,000 in attendance fees, and paid \$7,395 to the hotel for expenses. However, the CBA billed the section approximately \$1,000 for printing expenses and

\$1,064 for postage expenses. Net receipts were \$550.08. Tracey and/or Kevin will attempt to obtain clarification from CBA about these claimed expenses.

Rick Aiken reported on the golf tournament. It will be September 22<sup>nd</sup>. Rick is waiting for confirmation of the price.

As Luke Strunk was absent, there was no legislative report.

Bob Enright reported on the annual CBA/section meeting. Justice Borden spoke and invited amicus briefs from the section's Executive Committee. Angelo Sevarino described the section's policy to date, which has been not to submit amicus briefs unless the section's position is unanimous. He recommended changing that policy so that the section can submit bifurcated briefs discussing both sides of an issue. He recommended that we change our rule to enable the Executive Committee to vote on whether an issue before the Supreme or Appellate Court is important enough to submit an amicus brief. If the vote supports an amicus brief, then the Amicus Committee can discuss the issues and make recommendations and solicit authors. Either or both sides could respond. We will delay a motion on this proposal until the October meeting. Jason, chair of the Amicus Committee, noted that we now have to obtain approval of the House of Delegates for any amicus briefs. Discussion ensued re whether we need House of Delegates approval in all circumstances, and re efforts to have judges appointed to the Appellate and Supreme Court who are knowledgeable about workers' compensation. The Amicus Committee will meet to discuss a procedure for amicus briefs before the October meeting.

Bob Enright discussed his testimony before the legislature regarding the bill to abolish the final judgment rule for workers' compensation appeals.

Bob Enright and Mark Leighton reported on the joint replacement seminar, anticipated to take place the first Friday in November, 2008 if possible. Several doctors have committed to presentations.

Bob Enright indicated that Waterbury had been proposed as the location for the next meeting, to encourage attendance from the more western areas of the state. Marilyn Vencel will ask her secretary re possible venues in that area.

Tracey Cleary moved to adjourn at 6:45, Joe Passaretti seconded, all in favor.

Submitted by Donna Civitello, Secretary