

Minutes of the Summer 2003 Meeting of the Wisconsin Association of Worker's Compensation Attorneys, Inc.

The summer 2003 meeting of the members of the Wisconsin Association of Worker's Compensation Attorneys took place on July 17, 2003, in Madison, Wisconsin.

I. Call to Order: Phil Lehner, President, called the meeting to order, stated the purpose of the meeting and took roll call. All officers were present except Ray Clausen.

II. Introductions: Members and Officers attending introduced themselves.

III. Secretary's Report: Approval of the Minutes of meeting February 28, 2003: The minutes were modified to reflect that the February meeting was the second meeting of the Association. Motion made to approve the minutes as modified was made by John Griner, seconded and approved by unanimous vote.

IV. Treasurer's Report: The Association has \$13,974.12 in its account, prior to paying the expenses of the July seminar.

V. Report of the CLE Chair: Dave Castagna reported that 140 people attended the seminar, which is a turnout comparable to State Bar seminars.

VI. Old Business:

A. Ethics Seminar November 7, 2003, in Appleton, Wisconsin:

Trish Sandoz is organizing the seminar and recommended that it be held at the Woodfield Suites. The seminar will feature Israel Ramon, Tom Bertz, and Ed Falkner as speakers. Lunch will be included in the seminar price. Registration fees were approved of \$25 for members and \$40 for nonmembers. Members may also choose to prepay 2004 dues at the seminar.

B. Report on Investigation of Certification for Worker Compensation Attorneys:

John Griner presented his report on the possibility of obtaining state and American Bar Association certification. The process of applying for certification involves approaching the Supreme Court with a model or proposal of what would be required to qualify for the certification. He recommends that the Association continue to look into this process, but noted that the Association may want to wait to approach the Supreme Court about certification until the Association has been in existence for a longer period of time and has accomplished more.

C. Report on Section 501(c)(3) Tax-Exempt Status for Wisconsin:

John Griner reported that he continues to work on the paperwork needed to obtain this status. He anticipates being able to obtain the status before the November meeting.

D. Liability Insurance:

The Association is contacting insurance agencies about the need for insurance and what coverage is available. There is a possibility that insurance may not be needed.

VII. New Business:

A. Elections will be held at the November meeting. Nominations for officers and directors are being sought. The following officers and director terms expire:

President Elect
Secretary
Treasurer
Directors for regions V, VII and IX.

B. Amendments needed to the by-laws:

Phil Lehner and Trish Sandoz recommended that the by-laws be amended to allow the Association to function more smoothly. Trish noted that Article IV of the by-laws requires that the annual membership meeting be held on the second Friday after Thanksgiving. This date may not always work for the Association so an amendment to the by-laws was proposed, to state as follows:

The annual membership meeting of this Association shall be held at a place determined by the President on any date during the fourth quarter of the year.

Other provisions in the by-laws also needed to be amended. It was agreed that Trish Sandoz and Phil Lehner will make proposals to amend the by-laws and forward the proposed changes to Ron Aplin to see if any proposed amendments are not permissible. The proposed amendments will then be circulated to the board of directors for comment and ratification prior to or at the November meeting.

C. Correspondence from the membership regarding WC topics/practices of concern:

Phil Lehner has received correspondence regarding concerns of the members. He asked whether the WAWCA should take a position regarding the issues raised. Ron Aplin raised the concern that if the WAWCA engages in lobbying, its tax-exempt status may be in jeopardy. Issues raised:

- Department's scheduling of hearings on less than 30 days notice.
- Third party health insurers pursuing claims for subrogation by selectively filing lawsuits involving worker's compensation claims.
- Problems with group health insurers demanding reimbursement from health care providers for amounts paid on treatment expense on WC claims, after the claim has been resolved on a compromise settlement.
- *Ex parte* contacts when attorneys submit transcripts of hearings to the Department without copying other parties on the correspondence, so the opposing party is not aware that a transcript has been made.

- Attorney fee issues when cases involve significant subrogation liens.
- Attorney fee issues in structured settlements.

The membership agreed that raising these issues among the members is not considered lobbying. These issues will be mentioned in the next newsletter and comments will be solicited from the membership.

D. Status of Website:

Phil Lehner reported that he has a structure set up for the website. It will post worker's compensation forms and forms that would be helpful to practitioners. The Department's forms are in PDF, but members prefer the forms to be in Word. John Griner made a motion that the Association pursue the domain name of WAWCA.org. The cost of having a domain name is less than \$10.00 per year. The cost of a website host is \$15.00 a month. The website will include seminar outlines. Helen Schott moved that the Association proceed with website development. The motion was approved by unanimous vote of the membership.

E. E-mail case law updates to members:

Tom McSweeney volunteered to assist in summarizing cases and sending email notices to members. Members also suggested that it would be helpful to receive significant LIRC decisions as well. Additional volunteers are needed to assist in providing this valuable information.

VIII. Other New Business:

The Association received an inquiry from paralegals that want to join the Association. The membership discussed the issues and unanimously decided that membership in the Association shall be limited to attorneys.

Patricia J. Sandoz, Secretary

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