



Oregon Law Institute
of Lewis & Clark Law School

2012

Workers' Compensation Update

Join your friends and colleagues for this informative and practical annual event. Not to be missed, this seminar will update you on the important new cases, administrative developments, and current issues in workers' compensation practice that are significant for you and your clients.

FRIDAY, SEPTEMBER 28, 2012

Oregon Convention Center
777 NE Martin Luther King Jr. Blvd.
Portland, Oregon

5.5 General and 1 Access to Justice MCLE Credits

SCHEDULE

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:30–9:30 **The Pre-existing and Current Condition of Combined Conditions**
- A brief history of combined conditions
 - Is *Piwowar* still relevant?
 - Did *Kollias* really make any difference?
 - The dreaded acceptance of a combined condition
 - What is a “material change” or “change in circumstances?”
 - What is a “separate condition” and how does the “scope of acceptance” affect it?
 - PPD/rating issues
 - *H. Thomas Andersen*
- 9:30–10:30 **Appellate Update**
- Significant Workers’ Compensation Board cases
 - Analysis of Oregon Court of Appeals and Supreme Court cases
 - *Julene M. Quinn*
 - *Rebecca A. Watkins*
- 10:30–10:45 BREAK
- 10:45–11:45 **Things a Workers’ Compensation Lawyer Should Know About PI Cases**
- Identifying third-party claims
 - Sign, refer, or associate?
 - Investigating facts and insurance coverage
 - Interplay between workers’ compensation and personal injury claims
 - Settlement and liens
 - *Keith Semple*
 - *Stacy Tela-Kerber*
- 11:45–12:00 **News from the Board**
- Update on Ecompboard—anticipated launch of the Board’s website portal
 - Update on Board’s plenary review of Chapter 438 administrative rules of practice and procedure
 - *Abigail L. Herman*
- 12:00–1:15 LUNCH (on your own)
- 1:15–2:15 **What’s Age Got to Do with It?**
- Impressions from newer attorneys and the challenges when dealing with an experienced attorney
 - Practical lessons from experienced attorneys including what we wish the newer attorneys knew
 - Managing your law practice—tips on managing your client, providing effective representation, and deposition requests and strategies
 - Picking your battles
 - *Martin L. Alvey*
 - *Spencer D. Kelly*
 - *Robert J. Radler*
 - *Elaine Schooler*
- 2:15–2:30 BREAK

SCHEDULE (cont.)

2:30–3:30

***¿Se Habla Espanol?* Representing Non-English Speakers in Workers' Comp Cases**

- The Spanish speaking experience—common problems faced by Spanish speaking clients in the Workers' Compensation System and how those problems can be addressed
- Confronting and overcoming cultural and language barriers
- Beyond Spanish speakers to other diverse cultures—developing an understanding of your clients' cultures
- Your own expertise is not enough—educating other attorneys, experts and judges in nuances of cultural differences to help win cases
 - *Nicole M. Bockelman*
 - *Cheryl F. Coon*

3:30–4:15

Penalties, Attorney Fees, Sanctions, and Costs

- Availability at the Board and Department
- Burden of proof
- Amounts
- Cost bill procedures
 - *Rodger M. Hepburn*
 - *Robert S. Kinney*

4:15 p.m.

ADJOURN

Program Faculty

Martin L. Alvey

Martin L. Alvey PC

H. Thomas Andersen

*Program Planner
Attorney at Law*

Nicole M. Bockelman

Swanson, Thomas, Coon & Newton

Cheryl F. Coon

Swanson, Thomas, Coon & Newton

Rodger M. Hepburn

Reinisch Mackenzie PC

Abigail L. Herman

Chair, Workers' Compensation Board

Spencer D. Kelly

Welch Bruun & Green

Robert S. Kinney

Martin L. Alvey PC

Julene M. Quinn

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Elaine Schooler

SAIF Corporation

Keith Semple

Johnson Johnson Larson & Schaller PC

Stacy Tela-Kerber

Zipse Elkins & Mitchell

Rebecca A. Watkins

Sather Byerly & Holloway LLP

LIVE PRESENTATION

Portland – September 28, 2012

Oregon Convention Center

777 NE MLK Jr. Blvd.

MCLE CREDIT

2012 Workers' Compensation Update
will receive **5.5** General and **1** A/J
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PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

VIDEO REPLAYS

Please register at least one week prior to the replay date.

Bend – 10/12/12

Replay 8:30 a.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 10/5/12

Replay 8:30 a.m.

Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Portland – 10/17/12

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at oli@lclark.edu, or visit our website at <http://go.lclark.edu/oli>.

2012 Workers' Compensation Update

Friday, September 28, 2012

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Please "✓" appropriate box below:

☐ Live presentation☐ Video replay. Location: _____ Date: _____
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TUITION *Prices apply to live and video replays.*

- ☐ \$189 Early registration (*received by September 24, 2012*)
- ☐ \$139 New attorneys (admitted 2010–2012) and legal staff (*received by September 24, 2012*)
- ☐ \$95 Legal aid attorneys (*received by September 24, 2012*)
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- ☐ \$20 **Add to above tuition if registration received after September 24, 2012**

COURSE MATERIALS *Included with registration. Please select one:*

- ☐ Electronic course book (*a link to a PDF of the materials will be emailed no later than 48 hours prior to the seminar date*)
- ☐ Print version

LIVE WEBCAST REGISTRATION

This program will be broadcast LIVE over the internet on Friday, September 28, 2012, starting 8:30 a.m. Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials — all on your computer! To register for the live webcast, please click [here](#) or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

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- ☐ \$209 Audio CDs and print course book
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CONFIRMATION: Confirmation will be sent via e-mail.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, September 24, 2012.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.**QUESTIONS?** Call (503) 768-6580 or (800) 222-8213. Check out our website at <http://go.lclark.edu/oli> or e-mail us at oli@lclark.edu.