



Oregon Law Institute
of Lewis & Clark Law School

2014 Workers' Compensation Update



Join your friends and colleagues for this annual can't-miss event. This seminar will update you on the latest developments, analysis, and practice tips in workers' compensation law that are significant for you and your clients.

Friday, September 26, 2014

Ambridge Event Center
1333 NE Martin Luther King Jr. Blvd.
Portland, Oregon

5.5 General and 1 Ethics MCLE Credits

— S C H E D U L E —

8:15 a.m.

CHECK-IN AND CONTINENTAL BREAKFAST

8:45–9:45

“The Time Has Come Today” —

Statutes of Limitations for Claims and Hearings

- Injury claims: Notice, knowledge; does it ever end?
- Disease claims: The doctor said; the last is not the least
- Request for hearing: What’s the issue? What’s the excuse?
— *H. Thomas Andersen*

9:45–10:45

Appellate Update

- Significant Workers’ Compensation Board cases
- Analysis of Oregon Court of Appeals and Supreme Court cases
— *Edward J. Harri*
— *Julene M. Quinn*

10:45–11:00

BREAK

11:00–12:00

Safe Practices in a World of Hurt —

Legal Ethics for Workers’ Compensation Lawyers

- Working without a net: Zeal versus illegality
- Not falling on your client’s sword: What can a contingent fee lawyer do when the employee wants to settle on the cheap?
- Who gets hit: Conflicts of interest in the dual representation of employers and insurers
- What price professionalism?
— *David J. Elkanich*

12:00–1:00

LUNCH (on your own)

1:00–2:00

Non-Complying Employer Cases Worth Litigating by Both Sides

- The injured worker and the NCE’s first steps
- Evaluating the merits of a claim against the NCE
- NCE’s defense options
- Should the NCE declare bankruptcy?
- Settling a claim against the NCE
— *James E. Bailey, III*

SCHEDULE (cont.)

2:00–3:00

Combined Condition Claims — Here We Go Again

- New Court of Appeals cases
- How carriers and workers should approach these claims
- Major cause denials and closing claims
- Possible WCD rule changes in light of *Schleiss* and *Brown*
 - *Alana C. DiCicco*
 - *Rebecca A. Watkins*

3:00–3:15

BREAK

3:15–4:15

“As Time Goes By”

A retired claimant’s attorney, retired defense attorney, and retired administrative law judge have been reminiscing about their lives in the law. They will tell you what they know now that they wish they had known “back then,” and they will offer practice tips from the retirees’ perspective.

- *Pam Schultz Davis*
- *David O. Wilson*
- *Robert A. Davis*

4:15 p.m.

ADJOURN

— Program Faculty —

H. Thomas Andersen

Program Planner
Attorney at Law

James E. Bailey, III

Bailey & Yarmo LLP

Robert A. Davis

Administrative Law Judge, retired
Workers' Compensation Board

Alana C. DiCicco

Attorney at Law

David J. Elkanich

Holland & Knight LLP

Edward J. Harri

Assistant Dean for Student Affairs
& Professor of Legal Writing,
Willamette University College of Law

Pam Schultz Davis

Attorney at Law, retired

Julene M. Quinn

Julene M. Quinn LLC

Rebecca A. Watkins

Sather Byerly & Holloway

David O. Wilson

Attorney at Law, retired

LIVE PRESENTATION

Portland – September 26, 2014

Ambridge Event Center
1333 NE MLK Jr. Blvd.

MCLE CREDIT

2014 Workers' Compensation

Update will receive 5.5 General and

1 Ethics MCLE Credits.

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.

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>.

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2014 Workers' Compensation Update

Friday, September 26, 2014

Name	OSB No. or Profession
Firm/Organization	
Street Address	City/State/Zip
Phone	E-Mail

Please "✓" appropriate box:

TUITION

Registration includes electronic course materials. Printed materials are available for an additional \$15.00. (A link to a PDF of the materials will be emailed prior to the seminar date.)

Early registration (received by September 22, 2014)

- ☐ \$189 Early registration
- ☐ \$139 New attorneys (admitted 2012–2014) and legal staff
- ☐ \$95 Legal aid attorneys
- ☐ \$15 Attorneys attending with their Mentor from an approved Bar Mentor Program (call OLI or go to <http://go.lclark.edu/oli> for details). Mentor's name: _____
- ☐ \$15 OLI Passholder (Pass No. _____), Oregon judges, their lawyer staff, and law students
- ☐ \$15 Print materials
- ☐ \$20 **Add to above tuition if registration received after September 22, 2014**

LIVE WEBCAST REGISTRATION

Can't attend in person? OLI offers a simultaneous live webcast option allowing you to "attend" the program from the convenience of your office. This program will be broadcast LIVE online on Friday, September 26, 2014, starting at 8:45 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. To register for the live webcast, please **click here** or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

DVDs, CDs, AND COURSE BOOKS *I am unable to attend. Please send me:*

- ☐ \$209 Audio CDs and print course book
- ☐ \$309 DVDs and print course book
- ☐ \$59 Print course book only
- ☐ Deduct 50% from product order if you are an OLI Passholder (OLI Pass No. _____)
- ☐ **\$9.00 Note: Add \$9.00 shipping & handling fee to above product orders.**

ENCLOSED IS \$ _____ BY:

- ☐ Check payable to Oregon Law Institute (OLI)
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Portland, OR 97219

...or fax (503-768-6585) or e-mail
(oli@lclark.edu) this registration form to
OLI, including credit card information.

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 22, 2014.

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.