



Oregon Law Institute  
of Lewis & Clark Law School

**2013**

# **Workers' Compensation Update**

**J**oin 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 and legislative developments, and current issues in workers' compensation practice that are significant for you and your clients.

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**Friday, September 27, 2013**

**Ambridge Event Center**

**1333 NE Martin Luther King Jr. Blvd.  
Portland, Oregon**

**6.25 General MCLE Credits**

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# SCHEDULE

8:15 a.m. CHECK-IN AND CONTINENTAL BREAKFAST

8:45–9:45 **All That Glitters Is Not Gold**

There are numerous terms that workers' compensation practitioners use every day. Do they actually mean what we think they mean? What is the latest on judicial interpretations of the following and other common terms?

- Attending physician — substance over form
- Objective findings — observable, reproducible, and measurable
- Medically stationary — as good as it gets?
- Palliative care — treatment for what?
- Aggravation — bad, more bad, worsened
- Release to regular work — the real job description

– *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

11:00–11:45 **What's New on the Legislative and Administrative Front?**

- News from the Board
- Everything you need know about WC and the last legislative session
- Filing through the portal and other rule changes in the electronic age
  - *Christopher D. Moore*
  - *Holly J. Somers*

11:45–1:00 LUNCH (on your own)

1:00–2:00 **Collateral Benefits: the Good, the Bad, and the Ugly**

- Short term/long term disability benefits – the long and short
- Medical indemnification agreements — when and how to do, if unavoidable
- Community resources — who can help when the system won't
- Alternate sources of medical treatment — who will and who won't
- Social Security Disability and SSI — beware of offsets
- What, you think I'm a social worker? — the machete, the two by four, and the hammer
- Utilities — can you get a reduction?
- Negotiating bills down — I always thought subrogation and indemnification were dirty words; now, I know

– *Martin J. McKeown*

# SCHEDULE (cont.)

- 2:00–3:00    **How to Win at Hearing — Advice from the ALJs**
- The winning strategy — how to devise a solid strategy for your case
  - The winning preparation — how to prepare effectively for hearing
  - The winning presentation — how to present your case simply and clearly
  - The winning argument — how to summarize your case persuasively
    - *Claudette M. McWilliams, ALJ*
    - *Bruce D. Smith, ALJ*
- 3:00–3:15    BREAK
- 3:15–4:15    **A Compensability Compass: Finding Your Way Through the Course and Scope Quagmire**
- Navigating work-from-home hazards
  - Plotting the course: explaining unexplained falls
  - Getting lost: break time activities that sever the connection
  - Uncharted territory: heart attacks at work
    - *Rebecca A. Watkins*
    - *Marybeth Wosko*
- 4:15 p.m.    ADJOURN

# FACULTY

**H. Thomas Andersen**

*Program Planner  
Attorney at Law*

**Edward J. Harri**

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

**Martin J. McKeown**

*Martin J. McKeown, P.C.*

**Claudette M. McWilliams, ALJ**

*Hearings Division,  
Workers' Compensation Board*

**Christopher D. Moore**

*Moore, Jensen & Lesh*

**Julene M. Quinn**

*Kryger Alexander Carlson PC*

**Bruce D. Smith, ALJ**

*Hearings Division,  
Workers' Compensation Board*

**Holly J. Somers**

*Workers' Compensation Board*

**Rebecca A. Watkins**

*Sather Byerly & Holloway*

**Marybeth Wosko**

*Welch, Bruun & Green*

**LIVE  
PRESENTATION**

**Portland – Sept. 27, 2013**  
Ambridge Event Center  
1333 NE MLK Jr. Blvd.

**MCLE CREDIT**

*2013 Workers' Compensation  
Update will receive 6.25  
General 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](mailto:oli@lclark.edu), or visit our website at <http://go.lclark.edu/oli>.

## REGISTRATION / ORDER FORM

# 2013 Workers' Compensation Update

Friday, September 27, 2013

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

Please "✓" appropriate box:

### TUITION

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

- ☐ \$189 Early registration (received by September 23, 2013)
- ☐ \$139 New attorneys (admitted 2011–2013) and legal staff (received by September 23, 2013)
- ☐ \$95 Legal aid attorneys (received by September 23, 2013)
- ☐ \$15 OLI Passholder (OLI Pass No. \_\_\_\_\_) and Oregon judges and their lawyer staff (received by September 23, 2013)
- ☐ \$15 Print materials
- ☐ \$20 **Add to above tuition if registration received after September 23, 2013**

### LIVE WEBCAST REGISTRATION

This program will be broadcast LIVE over the internet on Friday, September 27, 2013, 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 — 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."

### PRODUCT ORDER *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. \_\_\_\_\_)
- ☐ **\$7.00 Note: Add \$7.00 shipping & handling fee to above product orders.**

ENCLOSED IS \$\_\_\_\_\_ BY:

- ☐ Check payable to Oregon Law Institute (OLI)
- ☐ Credit Card: Acct. # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
  - ☐ VISA ☐ MasterCard ☐ Discover ☐ AmEx

Exp. Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Return this form with payment to:  
OLI Registrar  
620 SW Main Street, Ste. 706  
Portland, OR 97205-3037

...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 23, 2013.

**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](mailto:oli@lclark.edu).