

BY-LAWS OF THE SECTION ON WORKERS' COMPENSATION  
LAW OF THE PENNSYLVANIA BAR ASSOCIATION , As Amended 2007

ARTICLE I

Name and Purpose

Section 1: This Section shall be known as the Section on Workers' Compensation Law.

Section 2: The purpose of the Section on Workers' Compensation Law shall be to bring together for an interchange of ideas, for an awareness of legislative change and appellate court interpretation and for mutual advantage, those members of the Pennsylvania Bar Association who are interested in the improvement, development and working of the law, both substantive and procedural, relating to workers' compensation and other forms of employers' liability.

ARTICLE II

Membership and Dues

Section 1: Any member of the Pennsylvania Bar Association, upon request to the Secretary of the Association and upon payment of the Section dues in full for the current calendar year, shall be enrolled as a member of the Section.

Section 2: Annual Section dues shall be established by the Section Council and approved by the Board of Governors of the Pennsylvania Bar Association.

Section 3: Section dues shall be paid in advance each year on a calendar year basis. Any member whose dues shall be more than twelve months past due and who shall fail to make payment within one month after receipt of notice thereof by mail shall cease to be a member of the Section.

## ARTICLE III

### Officers and Council

Section 1: The officers of the Section shall be a Chair, a Chair-Elect, a Vice-Chair, a Secretary, a Treasurer and a Section Delegate.

Section 2: There shall be a Council which shall consist of the Immediate Past Chair of the Section, the Officers of the Section specified in Section 1 and fifteen elected members. All past Chairs of the Section except the Immediate Past Chair shall be ex-officio members of the Council and shall be entitled to notice of and right to attend all meetings of the Council and to participate in any discussions at Council meetings but shall not have the right to vote.

Section 3: Only members of the Section shall be entitled to serve as an Officer or on Council. Membership on Council shall be limited to no more than three Workers' Compensation Judges and membership on the Council shall be limited to no more than two members of the Workers' Compensation Appeal Board. A Council member's status shall be determined at the time of their election and shall be presumed to continue for the remainder of their term.

Section 4: Elected members of Council shall not serve more than three consecutive terms.

Section 5: The Officers and members of the council shall be nominated and elected in the manner hereafter provided at each Annual Meeting of the Section. All Officers except the Section Delegate shall hold office for a one-year term beginning at the close of the Annual Meeting at which they have been elected and ending at the close of the Annual Meeting one year thereafter or when their successors have been elected and qualified. The Section Delegate shall hold office for a two-year term beginning at the close of the Annual Meeting at which he or she has been elected and ending at the close of the Annual Meeting two years thereafter or when his or her successor has been elected and qualified. The Chair shall not succeed himself or herself. Except as provided in Section 6, Council members shall hold office for three-year terms beginning at the close of the Annual Meeting at which they have been elected and ending at the close of the Annual Meeting three years thereafter or when their successors have been elected and qualified.

Section 6: By Amendment of the By-Laws adopted by the Council and approved by the Section at the 2007 Annual Meeting, the number of Council members was increased from twelve to fifteen. Accordingly, in addition to the four members of Council to be elected at the Annual Meeting, three additional Council members will be elected. After the election

of the three additional Council members, they shall draw lots so that one shall serve for a one-year term, one shall serve a two-year term and one shall serve for a three-year term. Thereafter, five Council members shall be elected at each Annual Meeting for the terms specified in Section 5.

#### ARTICLE IV

##### Nomination and Election of Officers and Council

Section 1: At least ninety days before the first session of each Annual Meeting of the Section, the Chair shall appoint a Nominating Committee of at least three members of the Section to be chaired by the Immediate Past Chair. The Nominating Committee shall make and report nominations to the Section membership for Officers, except the Chair of the Section, and members of the Council to succeed those whose terms will expire at the close of the Annual Meeting and to fill vacancies existing for unexpired terms. The report shall be in writing and shall be submitted to the Chair of the Section at least forty-five days prior to the Annual Meeting. Other nominations may be made in writing by petition to the Chair of the Nominating Committee signed by fifteen members of the Section and received by the Chair of the Nominating Committee at least fifteen days prior to the Annual Meeting of the Section.

Section 2: All elections except for the election of the Section Delegate shall be at the Annual Meeting of the Section unless otherwise ordered by resolution duly adopted by the Section.

Section 3: The election of the Section Delegate shall be at the Annual Meeting in odd numbered years and for a term commencing and ending in accordance with and as otherwise provided by the By-Laws of the Pennsylvania Bar Association and Section 902 thereof.

Section 4: No person shall be nominated as Chair-Elect unless such person has been an Officer or a member of the Council.

Section 5: The Nominating Committee shall endeavor to nominate Section members so as to achieve a fair geographic distribution throughout the State. The Council, to the extent possible, should be diverse and evenly balanced between lawyers representing employees and employers.

## ARTICLE V

### Duties of Officers

Section 1: The Chair shall preside at all meetings of the Section and of the Council. He or she shall formulate and present at each Annual Meeting of the Pennsylvania Bar Association a report of the work of the Section for the past year. The Chair shall also represent the Section at the Pennsylvania Bar Association Mid-Year Meeting. The Chair shall be reimbursed by the Section for all expenses incurred in connection with attendance at the Mid-Year Meeting, including travel, hotel and meal expenses. He or she shall perform such other duties and acts as usually pertain to the office of Chair.

Section 2: The Chair-Elect shall, upon the expiration of the Chair's term of office or upon the Chair's death, resignation or inability to act, become Chair of the Section. In the event of the temporary absence or disability of the Chair, the Chair-Elect shall act as Chair for the period of absence or disability. The Chair-Elect shall perform any other functions designated by the Chair or the Council.

Section 3: The Vice-Chair shall be in charge of promoting and maintaining membership in the Section, serving on and chairing any Committees which the Chair shall specify and shall otherwise aid the Chair in the proper functioning of the Section.

Section 4: The Secretary shall be the custodian of all books, papers, documents and other property of the Section. He or she shall keep a true record of the proceeding of all meetings of the Section and of the Council, whether assembled or acting under submission.

Section 5: The Treasurer will keep appropriate records of all receipts and all expenses of the Section. At each Annual Meeting of the Section, he or she shall make a report of the financial status of the Section and a statement of any balance on hand which will be carried into the ensuing year.

Section 6: The Chair and the Treasurer shall be empowered to sign requisitions upon the Pennsylvania Bar Association treasury for disbursement of Section funds.

## ARTICLE VI

### Duties of Council

Section 1: The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the By-Laws of the Pennsylvania Bar Association and the By-Laws of the Section. It shall authorize or approve all commitments or contracts which shall entail the payment of money and shall authorize or approve the expenditure of all moneys appropriated for the use or benefit of the Section.

Section 2: The Council or the Chair may appoint Committees of Section members to perform any duties and to exercise any powers which the Council may direct, subject to the limitations of the By-Laws of the Pennsylvania Bar Association and they By-Laws of the Section.

Section 3: The Council, during the interim between Annual Meetings of the Section, may fill vacancies in its own membership or among the Officers.

Section 4: All actions of the Council shall be by a vote of a majority of the voting members of the Council, which vote may be taken by mail, electronic mail, or telephone conference vote, after due notice to all members of the Council.

Section 5: Voting members of the Council not present at a meeting of the Council may communicate their vote in writing upon any proposition to the Secretary and have their vote counted with the same effect as if the voting member of the Council was present at the meeting of the Council.

## ARTICLE VII

### Meetings

Section 1: An Annual Meeting of the Section shall be held in the same place at the same time as the Annual Meeting of the Pennsylvania Bar Association. The program and order of business of the Annual Meeting of the Section shall be as arranged by the Chair and approved by the Council.

Section 2: Special, adjourned or telephone conference meetings of the Section may be called by the Chair upon approval of the Council or in accordance with the provisions of the By-laws of the Pennsylvania Bar Association. Special, adjourned or telephone conference meetings shall be held at places and times determined by the Council.

Section 3: The members of the Section present at any meeting constitute a quorum for the transaction of business.

Section 4: All binding action of the Section shall be by a majority vote of the members present.

Section 5: Meetings of the Council shall be held at places and times determined by the Chair or by the Council.

## ARTICLE VIII

### Committees

Section 1: Pursuant to Article VI, Section 2 of the By-Laws, the Council or the Chair may appoint Section members to perform any duties and to exercise any powers which the Council may direct, subject to limitation of the By-Laws of the Pennsylvania Bar Association and the By-Laws of the Section.

Section 2: The Standing Committees of the Section on Workers' Compensation Law are as follows:

a. By-Law Committee

i. Purpose

a) The By-Law Committee is established for the purpose of reviewing the By-Laws and proposing amendments in order to carry out the purpose of the Section.

ii. Members

a) The By-Law Committee shall consist of five members to be appointed by the Section Chair.

b. Issue Expedition Committee

i. Purpose

a) The Issue Expedition Committee acts as a liaison between the Section and the appropriate appellate bodies on issues that are important to the Workers' Compensation Bar. The Committee, on request by a Section member, is authorized to contact the Workers' Compensation Appeal Board or the Pennsylvania Commonwealth Court and request that a particular appeal be placed on a "fast track" for decision. Only those issues of general interest to the Bar or issues that can provide counsel with direction and guidance are to be expedited.

ii. Members

a) The Issue Expedition Committee shall consist of two members, one member whose practice is comprised of representing employees and one member whose practice compromises representation of employers, appointed by the Section Chair.

c. Kids' Chance Committee

i. Purpose

a) The Kids' Chance Committee is authorized to act with the Board of Directors of Kids' Chance of Pennsylvania, Inc. for the purpose of identifying or soliciting contributions from the legal community. Kids' Chance of Pennsylvania, a non-profit, 501(c)(3) organization, provides college and vocational school scholarship grants to children of Pennsylvania workers who have been killed or seriously injured in work-related accidents.

ii. Members

a) The Kids' Chance Committee shall consist of one member who is appointed by the Chair and is preferably also serving as a Kids' Chance of Pennsylvania Board member.

d. Legislative Committee

i. Purpose

a) The Legislative Committee is established for the purpose of analyzing all proposed legislation impacting on the practice of Workers' Compensation Law within the Commonwealth and convey that analysis, through the Council, to the Pennsylvania Bar Association by Resolution for action by the Pennsylvania Bar Association's House of Delegates and, as well, when it is determined appropriate, propose legislative amendment in that regard by the same process.

ii. Members

a) The Legislative Committee shall consist of three members, one from the claimant's bar, one from the defense bar and one from the ranks of Workers' Compensation Judges and Workers' Compensation Appeal Board. The Section Chair shall appoint one of the three members to serve as the Chair of the Committee.

e. Liaison Committee

i. Purpose

a) The Liaison Committee, which is to meet bi-annually, is established for the purpose of encouraging the free flow of information, ideas, and concerns among representatives of the stakeholders and the workers' compensation system.

ii. Members

a) The Liaison Committee shall consist of 14 members as follows:

- Liaison Committee Chair as designated by the Section Chair;
- Section Chair;
- Section Chair-Elect;
- Director of the Bureau of Workers' Compensation;
- Director of Adjudication;
- Deputy Secretary of Labor & Industry for Compensation and Insurance;
- Judge of the Commonwealth Court;
- Representative of the Office of the Commonwealth Court Prothonotary;
- Chair of the Workers' Compensation Appeal Board;
- Member of the Workers' Compensation Appeal Board;
- Chair of the Section Program Committee;
- Claimant's attorney as designated by the Section Chair;
- Defense attorney as designated by the Section Chair; and
- Section Historian as designated by the Section Chair;

In order to fulfill the purpose of the Liaison Committee, any Workers' Compensation Judge, who would otherwise be qualified to sit as a member of the Liaison Committee, shall be precluded from membership on the Committee and no substitution shall be allowed.

f. Program Planning Committee

i. Purpose

a) The Program Planning Committee is charged with developing the Program for the Fall Section Committee Meeting. The Program Planning Committee works with the appropriate representatives of the Pennsylvania Bar Association and the Pennsylvania Bar Institute in coordinating the Program, speakers, vendors and site.

ii. Members

a) The Section Chair shall appoint the Chair of the Program Planning Committee. The Program Planning Committee Chair shall appoint such other members as is deemed necessary for the purpose of fulfilling the duties of the Committee.

g. Publication Committee

i. Purpose

a) The Publication Committee is established for the purpose of producing the Section Newsletter. The Newsletter shall report on recent Decisions, recent Legislative developments and other matters of interest to the Workers' Compensation Bar.

ii. Members

a) The Section Chair shall appoint the Chair of the Publication Committee who, in turn, will have the authority to nominate other members for inclusion on the Committee.

h. Regulation Committee

i. Purpose

a) The Regulation Committee is established for the purpose of tracking changes and/or additions to the Bureau Regulations, Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, Special Rules of

Administrative Practice and Procedure Before the Workers' Compensation Appeal Board and any other regulatory changes that would impact on the practice of workers' compensation in the Commonwealth.

ii. Members

a) The Regulation Committee shall consist of three members, one from the claimant's bar, one from the defense bar and one from the ranks of the Workers' Compensation Judges and Workers' Compensation Appeal Board. The Section Chair will appoint one of the three members to serve as the Chair of the Committee.

i. Stander Committee

i. Purpose

a) The Irvin Stander Memorial Award pays tribute to the contributions of the late Workers' Compensation Judge. The mission of the Committee is to choose a recipient who, in the spirit of Judge Stander, embodies the Judge's devotion to the administration of workers' compensation law and unselfish sharing of knowledge and information to improve the practice, and who inspires high professional ideals.

ii. Members

a) The Stander Committee shall consist of the five most recent recipients of the award. The Section Chair shall appoint the Chair of the Stander Committee from the members of the Committee.

j. Unreported Opinion Committee

i. Purpose

a) The Unreported Opinion Committee is established for the purpose of reviewing unreported Opinions from the Commonwealth Court, and determining whether a request should be made to have the Opinion reported where the Opinion would have

an impact on the practice or which, to some degree, may impact on current reported case law. The Committee also serves the purpose of encouraging the Commonwealth Court to limit the number of unreported Opinions.

ii. Members

a) The Section Chair shall appoint the Chair of the Unreported Opinion Committee

ARTICLE IX

Amendments

Section 1: These By-Laws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting provided that:

- a. any proposed amendment shall first have been submitted by the By-Laws Committee;
- b. proposed amendments are approved by the Council;
- c. a notice of the proposed amendment shall have been included in the Notice of Meeting;
- d. the proposed amendment is approved by the Board of Governors; and
- e. the proposed amendment does not conflict with the Charter and By-Laws of the Pennsylvania Bar Association.

## ARTICLE X

### Miscellaneous Provisions

Section 1: The Fiscal Year of the Section shall be the same as that of the Pennsylvania Bar Association.

Section 2: Any action by the Section must be approved by the Pennsylvania Bar Association as provided in its By-Laws before the same becomes effective as the action of the Pennsylvania Bar Association.

Section 3: The By-Laws of the Section on Workers' Compensation Law of the Pennsylvania Bar Association, approved by the Section on May 2, 1996, are hereby repealed in their entirety.

Approved by Board of Governors 8/2/07