

Inside Workers Comp NY

Legal decisions, Polls, Commentary and Analysis, News Reports and Bulletins, Questions and Answers about the New York State Workers Compensation Board and system, for attorneys, carriers, employers, claimants, doctors and third party vendors.

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Dear Colleague,

On Wednesday, February 10, 2000 and New York State Worker's Compensation Board Chairman Robert Beloten joined by general counsel Kenneth Munnelly and budget Director Mary Beth Wood, testified before the New York State Senate Finance Committee regarding changes their implementing at the board:

- The Board's plans to eliminate hearing
- The Board's Plans to Eliminate Verbatim Reporters
- The \$100 million in the "excess fund"

While the formal transcript is not yet available, I have highlighted portions of the testimony in the [NEWSWIRE](#) and have noted in the last paragraph where on the video of the hearing you can locate both the appearances of key participants and some of their remarks.

Probably the best comment was made by Peter Walsh, a representative of a special Workers Compensation Committee of the New York State Bar Association, who stated that the Board seems to totally ignore the Bar Association and the State Legislature as it continues to change procedures at the Board. He also noted that more often than not changes announces only when they are ready to be implemented. Walsh concludes by noting that they only find out about these changes at the Board, not from the Board, but from other sources, one of which I would like to think is this website.

Be that as it may the [NEWSWIRE](#) includes the highlights hearings and the issues raised by both the members of the Senate Committee and the non-Workers Compensation Board speakers, concerns which the board more likely than not will ignore is that have done so often in the past

[DECISIONS](#)

This week, although the Appellate Court, Third Department issued 28 decisions, none dealt with any workers compensation related issues. However, the Supreme Court in New York County on February 3, 2010 told a no-fault carrier that its dispute with a workers compensation carrier over who paid how many bills and for how much, for an injured worker who recovered from both carriers, had to be resolved by the Workers Compensation Board and not by arbitration in civil court. Details on these two cases can be found on the [DECISIONS](#) page.

BY THE WAY,

Although I have stayed away from politics, I do feel it is appropriate to comment on the recent ethics bill vetoed by Governor Paterson. One objection to the bill raised by members of the state legislature who are attorneys was that the listing of their clients, in such cases as divorce, would let the opposing party know that legal action was imminent. This is there is a relatively easy fix for this: those clients who retain a legislator/attorney on a family matter need not be listed among the clients. But since corporations and other legal entities can have dozens of different legal reasons for hiring an attorney, they should be listed in the disclosure. If these clients are unwilling to be listed in the disclosure, let them hire new counsel. I do not think that there is a single member of the legislature whose legal skills are so great that they could not be replaced by anybody else with an "ESQ" behind their name, unless it is the prefix "Assemblyman" or "Senator" that makes their legal 'talent' so unique, the very reason this disclosure is needed.

Michael T. Berns
The Insider
TheInsider@InsideWorkersCompNY.com
Former Commissioner 1996-2008
New York State Workers Compensation Board