

JOHNSON, JOHNSON, LARSON & SCHALLER, P.C.

Attorneys and Counselors at Law

ARTHUR C. JOHNSON  
JACOB K. CLIFTON, JR.\*  
RICHARD L. LARSON  
DOUGLAS G. SCHALLER  
DEREK C. JOHNSON\*\*  
SCOTT C. LUCAS  
MICHELE C. SMITH  
KEITH SEMPLE  
JENNIFER MIDDLETON\*\*\*

975 OAK STREET, SUITE 1050  
EUGENE, OREGON 97401-3124  
(541)484-2434

FAX (541)484-0882  
WEBSITE: [www.jjislaw.com](http://www.jjislaw.com)  
E-MAIL ADDRESS: [jjls@jjislaw.com](mailto:jjls@jjislaw.com)

MARDEL M. CHINBURG  
Senior Litigation Manager

JODIE WIZE, RN, BSN  
KRISTIN G. BARBER  
ANNA NIBBLETT  
Trial Assistants

\* Of Counsel  
\*\* Also Member California and Washington Bars  
\*\*\* Also Member California and New York Bars

February 21, 2013

Management Labor Advisory Committee  
350 Winter Street NE  
Salem, OR 97309

Re: HB 2634

Dear MLAC Members:

I have been representing injured workers for the past 9 years and write this letter on their behalf.

My clients and I strongly oppose the current version of HB 2634. This legislation would create a fund to cover claims against insolvent self-insurers. However, the legislation would allow the fund to avoid paying penalties and attorney fees for improper claim processing prior to its involvement.

Specifically, see Section 7: (6) Notwithstanding section 6 of this 2013 Act, the fund is not liable for the payment of any penalties assessed for any act or omission on the part of any person other than the fund, including, but not limited to, the penalties provided in ORS 656.382, 656.745, 656.750 or 656.990.

This provision would force my clients and I to collect their penalties and fees from the insolvent insurer- precisely the problem this legislation purports to address. This obviously raises serious questions about the true intent and effects of this bill.

Accordingly, we request that you vote not to move forward with HB 2634.

Respectfully Submitted,



Keith Semple  
[ksemple@jjislaw.com](mailto:ksemple@jjislaw.com)