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Lawyer files ethics complaint against Workers Comp Commission

[Doug Smith](#)

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RICK SPENCER

who say they were fired because their superiors thought they ruled in favor of injured

workers too often, and because they didn't follow instructions to make Spencer's practice more difficult for him.

Spencer originally filed his complaint with the state Judicial Discipline and Disability Commission, which has authority over judges. But James Badami, executive director of the commission, replied that Workers

Compensation officials are members of the executive branch of government, and the Judicial Discipline and Disability Commission deals only with the judicial branch.

So Spencer is now filing his complaint with the Supreme Court Committee on Professional Conduct, which disciplines lawyers. It's his last recourse, Spencer says.

Named in the complaint are Olan W. Reeves, the chairman of the Workers Compensation Commission; Karen H. McKinney, the management representative on the commission; Julie Bowman, the former chief executive officer at the commission, who is now the state insurance

Rick Spencer of Mountain Home, one of a few Arkansas lawyers who still represent large numbers of injured workers in workers compensation cases, has filed a legal-ethics complaint against two members of the Workers Compensation Commission, the commission's former chief executive officer and its chief administrative law judge, claiming the four are excessively pro-employer and are trying to drive him out of workers comp practice.

Spencer is armed with affidavits from two former administrative law judges for the commission,



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commissioner, and David Greenbaum, the chief administrative law judge for the commission. A third member of the commission — Terry Turner, the labor representative — is not a lawyer and is not named in the complaint. Turner is the husband of Brenda Turner, Gov. Mike Huckabee's chief of staff. According to Spencer, the governor's office pressures the commission to rule in favor of business when workers seek compensation for injuries allegedly suffered on the job.

Bowman said she couldn't comment on Spencer's ethics complaint until she saw the complaint. She had seen the affidavits by the two former law judges and said, "They're so ludicrous I don't think they deserve a response ... I would categorically deny all that's in there. I don't think I've ever met Rick Spencer. I wouldn't know him if he walked in the door."

Reeves said he hadn't seen the complaint and couldn't comment on it. McKinney also had no comment.

Spencer says the four named in his complaint, "either directly or by their implied agreement," had tried to prejudice the commission's administrative law judges against him. (The administrative law judges rule on complaints filed by workers against their employers. The judges' decisions can be appealed to the three-member commission.) He says that "this misconduct threatens the very essence of the phrase 'equal justice for all' since they are attempting to get rid of the only attorney to my knowledge in North Arkansas who still practices workers compensation."

Lawyers who represent injured workers have been disgruntled since 1993, when the legislature enacted major changes in the workers comp laws, at the insistence of business and industry. The changes made it harder for workers to win compensation, and many lawyers dropped or substantially reduced their workers comp practice after the passage of the legislation. Employers said the changes were necessary because of the rising cost of workers compensation insurance.

A few years later, the commission fired an administrative law judge, Eileen Harrison, after Brenda Turner had recommended Harrison's dismissal. Harrison sued, and said she was fired for not being biased in favor of management. She settled for \$125,000.

Spencer has obtained affidavits from two administrative law judges fired since Harrison was. Michael White of North Little Rock was fired on Sept. 29, 2004. He said that no reason was given, but he believed the reason was that he wouldn't be influenced in the performance of his duties by "the Governor's quest to make the State of Arkansas 'business friendly.' "

White said that Greenbaum had chastised him on numerous occasions for failure to "handle" Spencer properly. Greenbaum's statements were sometimes made in the presence of Julie Bowman and members of the commission, White said.



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William Daniels of Monticello gave similar testimony. Daniels said he was fired by Bowman and Reeves on May 1, 2003, with no reason being given except that a change "would be in everyone's best interests." Daniels said he too had been chastised for not "handling" Spencer.

Both White and Daniels are now in the solo practice of law. Their affidavits can be read at http://www.rickspencer.com/WCC_Abuses.htm.

