

James Wilbanks, Ph.D.
Retirement Administrator



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MENDOCINO COUNTY
EMPLOYEES' RETIREMENT ASSOCIATION
625-B KINGS COURT
UKIAH, CALIFORNIA 95482-5027

Date: February 15, 2017
To: Board of Retirement
From: James Wilbanks, Retirement Administrator
Subject: Disability Appeals Legal Counsel

Attached is a letter from Mr. Anthony Graham in which he declines to represent the Board of Retirement in the appeal of the Adams disability case. Mr. Graham expresses his previously stated concerns about our current process.

With Mr. Graham's decision to not accept this assignment, the Board needs to explore other options for retaining legal representation in disability appeals. The Board is faced with two options: either direct staff to conduct a search for providers in the space, or explore expanding current legal services contracts to encompass this area.

After receiving Mr. Graham's letter, I reached out to legal counsel about the matter and was advised that the Sonoma County Counsel Office has an attorney that handles appeals such as this for other clients. The Sonoma County Counsel is willing to contract for the disability appeals work and there is an immediate need to begin this work since we have a case on appeal currently.

I recommend the Board of Retirement authorize staff to take the necessary steps to contract with Sonoma County Counsel to represent the Board in disability appeals.

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FEB 08 2017

The Mendocino County Employees'
Retirement Association

February 5, 2017

Dan Gjerde, Chair
Mendocino County Employees'
Retirement Association
625-B Kings Court
Ukiah, CA 95482

Dear Chair Gjerde:

After much reflection, I have decided not to accept the assignment of the Adams disability application appeal.

My reasons are due in part to now having to comply with the cumbersome and tortured rules of communication between myself and Dr. James Wilbanks as required by the board's attorney, Jeff Burke.

In addition, I would prefer to work up these cases from the very beginning, rather than having to try to work with and then repair what your Michigan claims management company provides me. This company does not know the first thing about the 1937 Act nor how to prepare a case for arbitration, trial or eventual appeal.

There is no bureaucratic "cookie cutter" approach to the handling of these cases as each one presents a unique set of facts and the application of various statutory and case law.

That is why for over 30 years I have handled over 100 of your disability retirement application assignments working with the previous administrators to ensure that they are processed efficiently and in accordance with applicable laws.

I have always been of the philosophy that "if it's not broke, then don't fix it."

Very truly yours,


Anthony E. Graham

AEG:jl

cc: MCERA Board Members Shari Schapmire, Patrick Sullivan, Kathryn Cavness, John Sakowicz, Ted Stephens, Craig Walker, Tim Knudsen, Jerilyn Harris, and Richard Shoemaker
James R. Wilbanks, Ph.D.