

August 1, 2019

To: Board Members

From: Greig Lowell

Re: Attorney fees

Sally Curey asked for historical information on attorney fee awards. The following is a data table and a memo from Cecily Warren and Jay Dotter, Research, IT&R, CSD:

You requested data back to 1990 on attorney fee awards for compensability cases. Below are tables with the data you requested. As a reminder, the two tables below show cases in which one or more denials were overturned by an O&O or a Stipulation, respectively. The case counts in the tables below include all cases with an outcome of O&O or Stipulation at hearings, where an assessed fee was awarded and compensability was affirmed. Other issues may have been litigated, in addition to compensability, in the cases counted below.

Prior to 1/1/1991, there are only a total of 316 records and about 142 with assessed fees. It appears that the coding did not all start at once and that prior to 1995 data entry was spotty. It's unclear when we started entering data into the system. .

The oldest record is for 1979. Here are the counts by year for the next 11 years:

Year	Hearing Requests
1980	4
1981	4
1982	4
1983	10
1984	17
1985	58
1986	49
1987	67
1988	41
1989	147
1990	775

Cases in which one or more denials are overturned (O&Os)*						
Year	Number of Cases	Total	Average	Median	Maximum	Minimum
1990	6	\$ 13,450	\$2,242	\$ 2,350	\$ 2,750	\$ 1,500
1991	19	\$ 56,650	\$2,982	\$ 2,000	\$18,500	\$ 750
1992	30	\$ 99,637	\$3,321	\$ 2,500	\$19,187	\$ 400
1993	94	\$ 286,055	\$3,143	\$ 2,800	\$10,750	\$ 500
1994	534	\$1,536,815	\$2,967	\$ 2,800	\$17,500	\$ 500
1995	1035	\$3,020,483	\$3,017	\$ 2,800	\$30,000	\$ 94
1996	914	\$2,821,157	\$3,184	\$ 3,000	\$30,600	\$ 400
1997	856	\$2,785,675	\$3,465	\$ 3,000	\$75,000	\$ 300
1998	747	\$2,569,409	\$3,520	\$ 3,250	\$55,000	\$ 55
1999	708	\$2,495,352	\$3,585	\$ 3,500	\$15,000	\$ 272
2000	696	\$2,614,789	\$3,874	\$ 3,500	\$35,000	\$ 400
2001	626	\$2,360,593	\$3,934	\$ 3,600	\$20,000	\$ 100
2002	616	\$2,441,872	\$4,070	\$ 3,925	\$16,600	\$ 500
2003	623	\$2,580,355	\$4,230	\$ 4,000	\$28,720	\$ 750
2004	573	\$2,557,708	\$4,576	\$ 4,000	\$30,000	\$ 1,000
2005	599	\$2,597,679	\$4,541	\$ 4,200	\$15,000	\$ 400
2006	546	\$2,598,630	\$4,875	\$ 4,500	\$23,250	\$ 750
2007	491	\$2,402,335	\$5,047	\$ 4,500	\$18,500	\$ 500
2008	460	\$2,443,275	\$5,503	\$ 5,000	\$16,500	\$ 500
2009	435	\$2,689,005	\$6,372	\$ 5,500	\$72,000	\$ 1,500
2010	429	\$2,659,345	\$6,377	\$ 6,000	\$20,000	\$ 250
2011	350	\$2,334,367	\$6,806	\$ 6,000	\$27,000	\$ 1,500
2012	334	\$2,164,050	\$6,914	\$ 6,000	\$40,000	\$ 1,000
2013	281	\$1,919,626	\$7,190	\$ 6,500	\$25,000	\$ 1,000
2014	305	\$2,356,786	\$8,016	\$ 7,000	\$30,000	\$ 2,000
2015	303	\$2,658,555	\$8,921	\$ 8,000	\$43,334	\$ 1,000
2016	256	\$2,263,579	\$9,432	\$ 8,500	\$35,600	\$ 500
2017	207	\$1,933,647	\$9,815	\$ 8,500	\$28,500	\$ 3,000
2018	198	\$1,857,283	\$9,985	\$ 8,500	\$30,000	\$ 1,500

Cases in which one or more denials are overturned (Stipulations)*						
Number of Cases	Total	Average	Median	Maximum	Minimum	
--	--	--	--	--	--	
4	\$ 9,050	\$2,263	\$1,900	\$ 5,000	\$ 250	
7	\$ 15,475	\$2,211	\$1,500	\$ 7,875	\$ 350	
9	\$ 13,050	\$1,450	\$1,250	\$ 2,000	\$ 1,000	
211	\$ 284,095	\$1,359	\$1,400	\$ 5,200	\$ 125	
1166	\$1,639,256	\$1,427	\$1,500	\$ 17,500	\$ 42	
797	\$1,205,861	\$1,534	\$1,500	\$ 9,500	\$ 23	
617	\$1,190,503	\$1,971	\$1,750	\$185,000	\$ 75	
734	\$1,240,304	\$1,708	\$1,750	\$ 7,500	\$ 16	
654	\$1,122,513	\$1,757	\$1,750	\$ 7,500	\$ 16	
637	\$1,150,260	\$1,832	\$2,000	\$ 8,500	\$ 100	
570	\$1,080,063	\$1,912	\$2,000	\$ 6,500	\$ 33	
611	\$1,222,361	\$2,054	\$2,000	\$ 12,625	\$ 167	
587	\$1,243,583	\$2,137	\$2,000	\$ 15,000	\$ 200	
570	\$1,340,378	\$2,385	\$2,500	\$ 5,000	\$ 150	
640	\$1,570,275	\$2,485	\$2,500	\$ 22,000	\$ 300	
652	\$1,683,638	\$2,590	\$2,500	\$ 15,000	\$ 100	
585	\$1,580,397	\$2,720	\$2,500	\$ 12,500	\$ 125	
610	\$1,702,855	\$2,815	\$3,000	\$ 14,750	\$ 250	
605	\$1,791,844	\$2,996	\$3,000	\$ 18,000	\$ 125	
576	\$1,920,219	\$3,375	\$3,250	\$ 18,751	\$ 200	
467	\$1,604,493	\$3,496	\$3,500	\$ 10,000	\$ 100	
460	\$1,605,656	\$3,560	\$3,500	\$ 10,000	\$ 500	
465	\$1,773,425	\$3,830	\$4,000	\$ 12,000	\$ 250	
481	\$1,875,000	\$3,998	\$4,000	\$ 16,000	\$ 250	
408	\$1,664,258	\$4,182	\$4,000	\$ 18,000	\$ 200	
325	\$1,436,327	\$4,545	\$4,250	\$ 16,000	\$ 150	
348	\$1,702,950	\$5,009	\$4,625	\$ 40,000	\$ 500	
295	\$1,455,442	\$5,036	\$4,500	\$ 20,000	\$ 500	

