

OREGON TRIAL LAWYERS ASSOCIATION

319 SW Washington Street, #607 Portland, OR 97204

www.oregontriallawyers.org

503-223-5587

January 7, 2019

Board Chair Constance L. Wold
Board Member Steve Lanning
Board Member Sally Anne Curey
Board Member Roger Ousey
Board Member Barbara Woodford

Re: Biennial Review of Attorney Fees

Dear Board Members,

We appreciate your efforts in reviewing all of the testimony that has been offered with regard to the Board's biennial review of attorney fees. We want to especially thank Board Member Lanning for proposing some options to move the discussion forward.


We understand that the Board has voted to convene an advisory committee to discuss the various options that have been proposed to address the growing gap between claimant fees and defense fees and the access to justice issues that have resulted. We understand that the plan is to complete this process quickly so that the Board can then vote on any motions to adopt one or more of the options that have been proposed.

While we understand that some Board members may want to see more data before reaching the conclusion that there is a problem that needs to be addressed, it is important to keep in mind that the Legislature has already concluded that there is a problem and has instructed the Board to address it. Therefore, the only data pertinent to the current review would be data indicating that the access to justice problem identified by the legislature has been resolved or that improvement has occurred over the past two years. We are therefore hopeful that the Board will focus the discussion on the options that have been proposed instead of starting with whether the data justifies the Legislature's mandate.

As we understand, the current proposals include a voluntary bifurcation process for fee issues, a multiplier to address the contingent nature of the practice and a raise in the fees for statements to better reflect market rates for attorneys.

We are looking forward to Board's conclusions, and thank you again for your efforts.

Respectfully,


Keith D. Semple

Co-Chair, OTLA Workers' Compensation Section