



October 28, 2019

Ms. Constance L. Wold
Chair, Oregon Workers' Compensation Board
Oregon Department of Consumer & Business Services
2601 25th St SE, Ste 150
Salem, OR, 97302

Re: Worker's Compensation Attorney Fee Recommendations

Chair Wold and Members of the Board:

Thank you for the opportunity to provide comments in response to the Attorney Fee Concept Recommendations. As a reference, the Oregon Farm Bureau Federation ("OFB") is the state's largest general agriculture association, representing nearly 7,000 families actively engaged in farming and ranching. OFB is concerned that the proposed attorney fee concepts will increase workers' compensation costs for agricultural employers.

Oregon has one of the most successful workers' compensation systems in the country. Our system is accessible to small and large employers alike—keeping workplaces safe and local businesses competitive. However, the proposed attorney fee recommendations will increase workers' compensation premiums for employers without an added benefit to the system. To that end, we share the following concerns:

Bifurcation

Bifurcation of the administrative hearing from the fee hearing will create an administrative nightmare. Two hearings could lead to two appeals, two orders, and two separate records. This will add additional expense for the parties involved, regardless of the outcome.

Multiplier

The Workers' Compensation Board already takes the contingency nature of the workers' compensation system into consideration when determining fees, and the current fee guidelines are working. The administrative law judge is in the best position to assess the time committed to a hearing, complexity of the issue, and experience of the attorneys when determining fees. The automatic multiplier takes away that discretion and contradicts requirements that the Board clearly articulate the rationale behind fees awarded.

Recorded Statement Fee

According to the 2017 Oregon State Bar economic survey, the median hourly rate in Oregon was \$260.00. This is fully in line with the current \$275.00 fee established. A \$400.00 per hour fee would be near to the 95th percentile of fees paid. This type of increase would be astronomical. In addition, a \$400 per hour fee represents over a 40% fee increase. This far surpasses any potential increase in the cost of practicing law since 2015.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Dresler', with a long horizontal flourish extending to the right.

Jenny Dresler
Lobbyist
Oregon Farm Bureau Federation