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Exhibit 33

October 28, 2019

Kayleen Atkins
Workers' Compensation Board
Via email: kayleen.r.atkins@oregon.gov

Re: Attorney Fee amendments

Dear Ms. Atkins,

I am writing on behalf of Oregon Business & Industry and our 1,600 member companies. We are providing comments on the proposed changes to attorney fees. OBI opposes these amendments.

First, there are no current limits on the amount of an assessed fee that may be requested by an attorney representing a worker. Under the current rules that decision is left to the judge and board. Administrative law judges (ALJ) have discretion in determining reasonable attorney fee awards under current rules. The proposed rules would significantly limit the ability of an ALJ to evaluate the specific issues, time commitment and complexity of individual cases and award attorney fees accordingly.

Second, we have real concerns about the proposal to bifurcate the hearing and the fee hearing. This would lead to unnecessary complexity, time, and cost for all parties involved. Having two separate hearings on the issues could result in two appeal, two orders, and two separate records. The burden of bifurcation would increase costs and work for Board, ALJs and staff. This could result in an overall increased burden for the system as a whole.

Third, the recorded statement fee increase seems quite high. An hourly fee of \$400 is far beyond most other accepted fee amounts. Defense attorneys do not charge this high of a fee. We are also concerned that a fee of that amount incentivizes attorneys with minimal experience to seek out these cases, rather than being based on the experience of the attorney.

Finally, we have concerns about the lack of actual employer representation on the committee. While attorneys were involved and we thank them for their work, we worry that the employer perspective has not fully been shared in this process. We urge the Board to take more time to hear from employers directly.

Sincerely,

Paloma Sparks
Vice President/General Counsel