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September 16, 2022

Paralegals

Miguel Esparza
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Ms. Constance Wold, Board Chair via email attachment
Oregon Workers' compensation Board

Re: review of attorney fees

Dear Ms. Wold:

The fees awarded for lengthy hard-fought and expensive wins by claimants continue to be inadequate. As examples, I have two recent favorable decisions that involved overturning denials of major conditions. In one case I was able to document 106 hours and in another 58 hours. I submitted my statement of services and on both cases was awarded a fee of only \$14,000, far below what was required by the statutes and rules. Both cases involved substantial delays due to failed mediations and postponements requested by the carriers, multiple insurance and claimant litigation reports, and large expenses to my firm. We chose to not appeal the fees awarded on one case for litigation reasons but the other is on appeal.

In my statement of services I gave the example of a lengthy, hard fought case on which claimant prevailed and I was awarded a \$9,000 fee. I was sent a copy of defense counsel's bill of \$93,000 for the same case. These extreme injustices are common.

The administrative law judges simply do not follow the guidelines and should be awarding far larger attorneys' fees on favorable decisions.

Sincerely,

James Dodge

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