Oregon
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Attorney Fee Report: 2025

This report includes attorney fees awarded or approved by the Oregon Workers' Compensation Board (WCB) during the 2025 calendar year. WCB strives to ensure complete, transparent, and objective reporting to the fullest extent of its technical abilities. WCB has begun work to modernize its case management system and data functions. Integral to this project will be capturing statistics, including attorney fee data. WCB plans to complete this project in the next two to three years.

WCB recognizes that this report is utilized for a wide range of purposes. One purpose is as a resource during the biennial attorney fee review, as required by ORS 656.388. Bearing this in mind, additional relevant information has been added to the report. For example, the Board engaged in rulemaking in 2024 that impacted attorney fees under OAR 438-015-0050(1) and OAR 438-015-0052(1). Consequently, the report includes information regarding fees issued consistent with the rules.

It is important to note that attorney fee information is entered in a manner consistent with the requirements and limitations of WCB's system. Discrepancies in the data captured by the system found previously have resulted in a dual capture system, including hand counts, in an effort to correct and verify data. WCB has started to correct data discrepancies where the data was found to be in error, and more accurate data is available and verified.

Thank you for your patience as WCB works to capture accurate and meaningful data. Special thanks to WCB and DCBS Information Technology & Research staff members who have worked diligently to gather and verify this information. If you have questions or concerns, please contact Board Chair Joy Dougherty.

Assessed Attorney Fees
Hearing Level: Opinion and Orders and Stipulations

The chart below includes attorney fees awarded in Opinion and Orders (O&Os) and includes stipulations. While attorney fees for stipulations and O&Os have historically been joined, plans to distinguish between the two with separate columns are in development.

Assessed Attorney Fees at Hearings, 2019-2025		
Year	Cases	Total fees ($Millions)
2019	986	$5.04
2020	978	$5.52
2021	944	$5.82
2022	895	$5.76
2023	984	$6.71
2024	1,079	$7.35
2025	1,005	$7.26

Hearing Level Litigated Cases

The chart below reflects attorney fees awarded in O&Os per litigated case at the hearing level. This information is based on hand counts.

In 2024, there were 542 case numbers coded in the following order types: Opinion and Order, Order on Reconsideration, Amended Opinion and Order, and Opinion and Order on Remand. However, 82 of those cases had more than one case number assigned to a single order. Thus, the total number of litigated cases that went to a final order at the hearings level in 2024 was 460.

In 2025, there were 620 case numbers coded in the following order types: Opinion and Order, Order on Reconsideration, Amended Opinion and Order, and Opinion and Order on Remand. However, 159 of those cases had more than one case number assigned to a single order. Thus, the total number of litigated cases that went to a final order at the hearings level in 2025 was 461.

In this chart, the term "all" refers to all orders in the order types listed in the above paragraph. Of those 461 orders, 221 awarded attorney fees. The 221 orders awarded a total of $2,592,476. This is an average of $11,730 awarded per litigated case, with a median of $12,000. The last column captures the median attorney fee where one or more denials were overturned.

	Litigated Cases					
	Total Litigated Cases	Total Cases Fees Awarded	Total Fees Issued	Average Fee When Prevail All Categories	Median Fee When Prevail All Categories	Median Fee Prevail Complete or Partial Denial
2024	460	211	$2,238,007	$10,606	$9,250	$12,750
2025	461	221	$2,592,476	$11,730	$10,000	$15,000

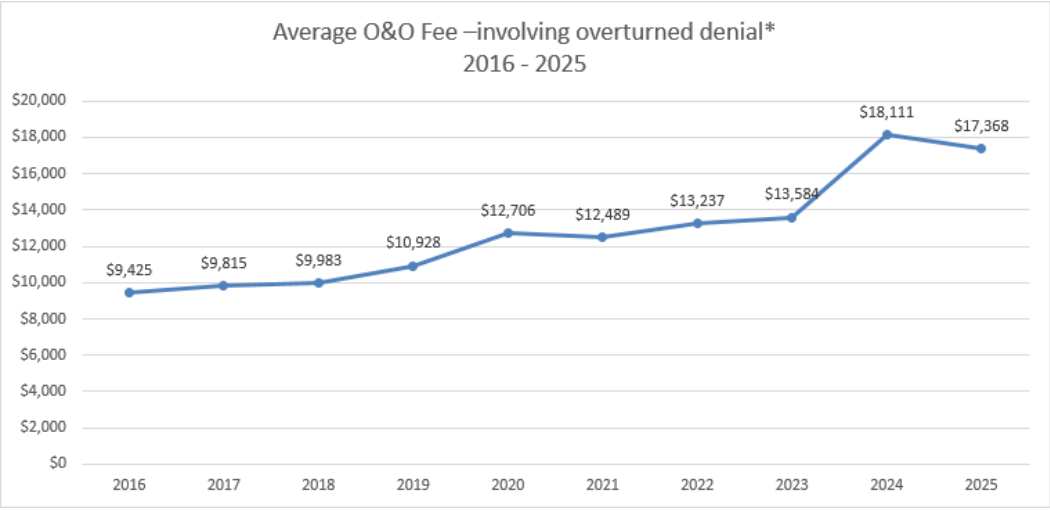
Hearing Level Attorney Fees: Complete and Partial Claim Denials

The chart and graph below provide a history of fees awarded for cases involving an overturned claim denial. WCB captures the total fee awarded at hearing. So, the fee amounts reflect work on all issues raised, not just the compensability denial. Historically, the total fee awarded was then divided by the number of assigned WCB case numbers when calculating the statistics below. That approach can skew the statistics because WCB numbers can be assigned in error and run with the file, even where there is only one request for hearing. This can happen when a request for hearing is submitted via the portal and then is received some time later by mail. WCB does not track how often this occurs. Dividing by assigned WCB numbers affects the average fee "per case."

To avoid this problem for the 2024 data, the total number of Opinion and Orders actually issued was used, regardless of how many case numbers were assigned. This has been repeated for 2025. In 2025, there were 95 O&Os issued regarding complete or partial claim denials. But, those 95 O&Os had a total of 123 case numbers. For 2024 and 2025, the chart uses the number of O&Os, or litigated cases, as opposed to the amount of case numbers. This provides a more accurate picture of fees awarded at hearing. Prior to 2024, the system was not able to capture the fee per "case" or issued O&Os. In those years, the calculation will remain divided by the number of case numbers assigned.

	Orders in which one or more denials are overturned (O&Os)*					
Year	Orders	Total ($Millions)	Average fees per case	Minimum fee	Median fee	Maximum fee
2016	240	$2.26	$9,425	$500	$8,500	$35,600
2017	197	$1.93	$9,815	$3,000	$8,500	$28,500
2018	185	$1.85	$9,983	$1,500	$8,500	$30,000
2019	162	$1.77	$10,928	$500	$9,000	$60,000*
2020	144	$1.83	$12,706	$500	$10,000	$175,000*
2021	173	$2.16	$12,489	$300	$10,000	$32,500
2022	117	$1.55	$13,237	$5,500	$12,000	$35,000
2023	114	$1.67	$14,649*	$4,000	$13,000	$33,000
2024	90	$1.63	$18,111	$2,500	$12,750	$44,000
2025	95	$1.65	$17,368	$7,000	$15,000	$50,000

*Numbers changed where corrected information was verified.

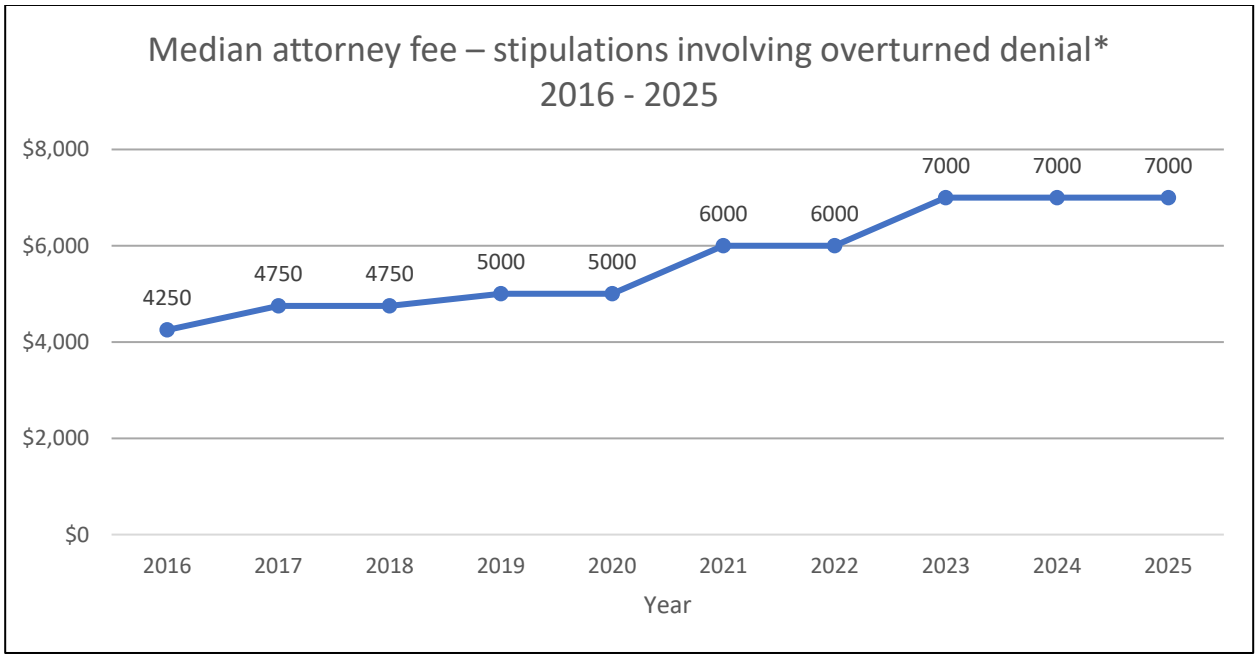


Stipulation Agreements with Denial Rescinded
Hearings Division and Board Review

The chart and graph below show attorney fees agreed to in stipulations approved by WCB regarding rescinded denials. The stipulations and fee awards may also include additional issues. While most of the rescissions likely occurred pre-hearing, some may have followed a hearing proceeding or Board review.

	Orders in which one or more denials are overturned (Stipulations)*				
Year	Orders	Total ($Millions)	Minimum fees	Median fees	Maximum fees
2016	320	$1.46	$150	$4,250	$16,000
2017	342	$1.72	$500	$4,750	$40,000
2018	296	$1.49	$500	$4,750	$20,000
2019	281	$1.46	$100	$5,000	$18,000
2020	328	$1.81	$500	$5,000	$15,000
2021	268	$1.68	$500	$6,000	$20,000
2022	238	$1.61	$356	$6,000	$18,000
2023	236	$1.87	$500	$7,000	$20,000
2024	283	$2.21	$500	$7,000	$21,500
2025	208	$1.78	$200	$7,000	$21,500

*Counts and total fees may include other issues.



*Counts and total fees may include other issues.

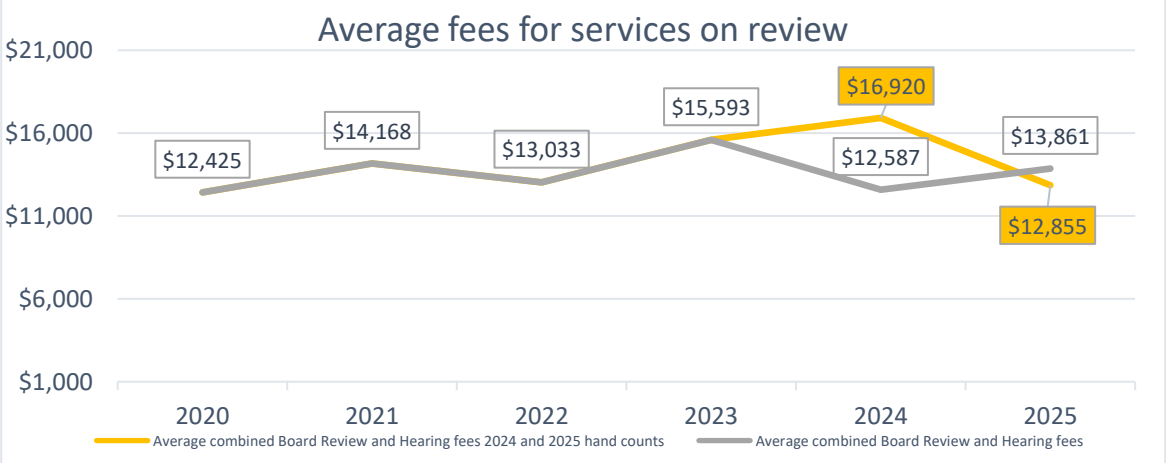
Percentage of O&Os[1] Resulting in an Attorney Fee Award

As noted above, WCB's system counts by the number of case numbers not the number of O&Os issued. As a result, the O&O count below is inaccurate, with the exception of 2024 and 2025, when WCB began hand counting number of orders issued. For 2024 and 2025, the chart calculations have been changed to be consistent with the number of cases litigated resulting in an O&O, as opposed to the number of case numbers assigned to the case. As mentioned, the number of case numbers coded for O&Os was 620. However, only 461 O&Os issued.

Percentage of cases with fees					
Year	O&Os	Out of Compensation Fees	Assessed Fees	All Fees	Average fee including when none is awarded
2018	752	1.3%	39.2%	40.6%	$3,259
2019	715	2.4%	36.8%	39.2%	$3,158
2020	667	1.6%	37.5%	39.1%	$3,657
2021	721	1.2%	37.4%	38.7%	$3,735
2022	562	1.1%	36.7%	37.7%	$3,765
2023	503	1.0%	41.7%	42.7%	$4,728
2024	460	1.5%	44.3%	45.8%	$4,843
2025	461	1.0%	46.9%	47.9%	$5,623

Total Assessed Fees: Board Review

The graph below shows cases where assessed fees were awarded on Board Review for cases in which the Board overturned a denial and awarded fees for services at the hearing level and on Board review or where the Board affirmed an ALJ's order that set aside a denial. While the calculations below remain consistent with those utilized in prior years, 2024 and 2025 numbers were also calculated using a hand count (hand count in yellow). The numbers in those years are inconsistent and could not be reconciled. Thus, this chart should be given low reliability. WCB continues to work to resolve such discrepancies in the data captured by our system.



[1] Here, O&Os include the following order types: Opinion and Order, Order on Reconsideration, Amended Opinion and Order, and Opinion and Order on Remand.

Settlement Agreements
Hearings and Board Review

In Spring 2024, the Workers' Compensation Board amended its rules to increase the maximum attorney fees allowed out of claims disposition agreements (CDAs) and disputed claims settlements (DCSs). These changes applied to all CDAs and DCSs filed with the Board on or after September 3, 2024. In an effort to monitor if the amendments are impacting attorney fee amounts agreed to in settlements, WCB has added this section summarizing fees related to CDAs and DCSs.

Claim Disposition Agreements

	Total approved CDAs	Total amount for all approved CDAs
2024	2,940	$88,294,881
2025	2,991	$88,044,546

	Total CDAs with counsel	Total amount for CDAs with counsel	Total attorney fees awarded
2024	2,459	$74,236,010	$14,096,943
2025	2,464	$73,027,053	$15,273,618

	Total *pro se* CDAs	Total amount for approved *pro se* CDAs
2024	481	$14,058,871
2025	527	$15,017,493

Disputed Claim Settlements

	Total approved DCSs	Total amount for all approved DCSs
2024	3,633	$50,344,289
2025	3,838	$57,409,787

DCSs with Counsel				
	Total DCSs with counsel	Total amount for DCSs with counsel	Total attorney fees awarded	Total costs awarded
2024	3,271	$48,234,931	$10,362,459	$487,500
2025	3,537	$55,032,034	$12,441,275	$504,859

***Pro se* DCSs**		
	Total *pro se* DCSs	Total amount for approved *pro se* DCSs
2024	362	$2,109,358
2025	301	$2,377,753

Attorney Fees Awarded and Approved by WCB Hearings Division and Board Review

Year	Total Claimant Attorney Fees ($Millions)	Total Assessed Fees ($Millions)	Total Out of compensation Fees ($Millions)
2016	$20.77	$6.29	$14.49
2017	$22.69	$5.78	$16.91
2018	$22.77	$5.20	$17.58
2019	$24.25	$5.56	$18.69
2020	$26.27	$6.14	$20.13
2021	$26.79	$6.86	$20.04
2022	$28.26	$6.36	$21.90
2023	$30.20	$7.07	$23.14
2024	$32.25	$7.80	$24.45
2025	$35.04	$7.58	$27.46

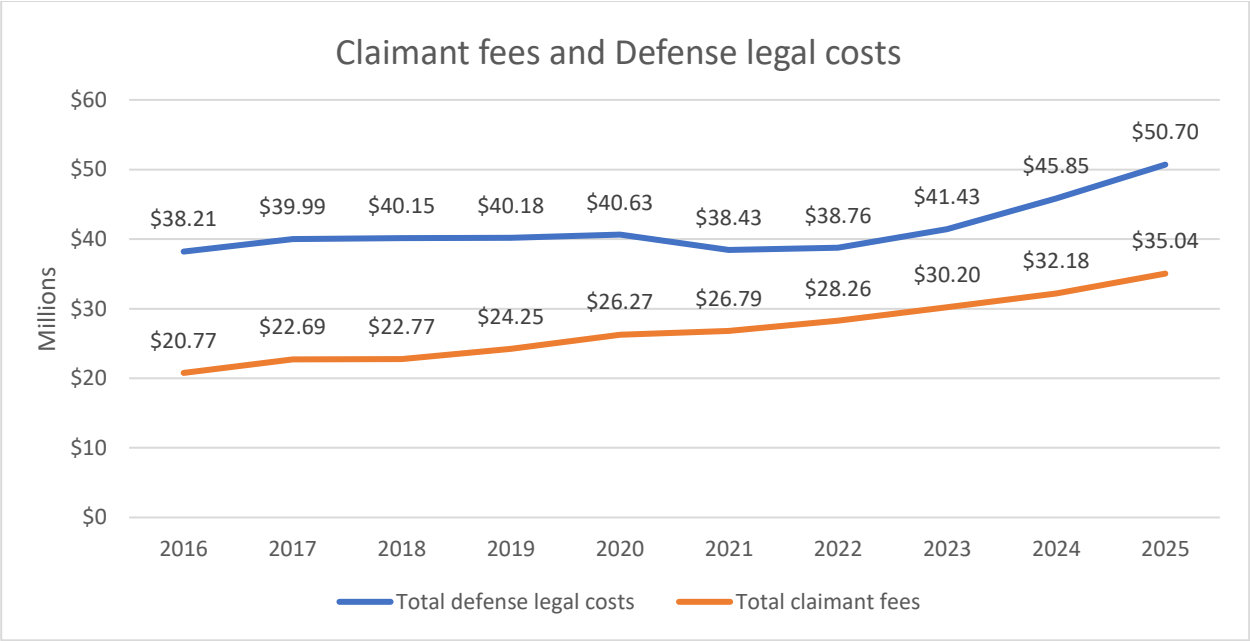
Defense Legal Attorney Fees and Costs and Claimant Attorney Fees

Year	Total Costs* ($Millions)	Claim Counts	Costs per Disputed Claim	Total Claimant fees** ($Millions)
2016	$38.21	7,778	$4,912	$20.77
2017	$39.99	6,969	$5,739	$22.69
2018	$40.15	6,113	$6,568	$22.77
2019	$40.18	7,240	$5,550	$24.25
2020	$40.63	6,672	$6,089	$26.27
2021	$38.43	5,937	$6,473	$26.79
2022	$38.76	6,029	$6,429	$28.26
2023	$41.43***	6,458	$6,415	$30.20
2024	$45.85***	6,532	$7,019	$32.25
2025	$50.70	6,537	$7,756	$35.04

*Total Costs include attorney salaries, administrative salaries, an insurer's in-house costs, retained counsel costs, costs in support of retained counsel, and other costs.

**Total Claimant Fees only includes fees from Hearings and Board review activity; WCD attorney fees and costs awarded are not included.

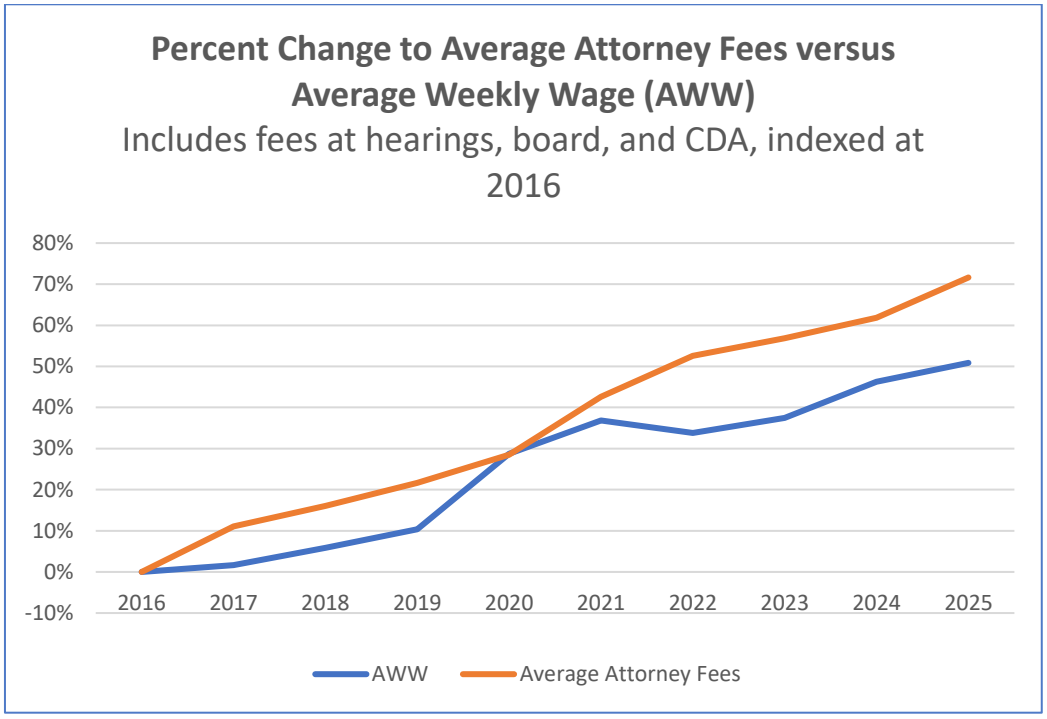
*** The Defense Legal Service cost is calculated based on WCD file numbers. For 2025, employers and insurers reported defense costs in the amount of $49,168,294. However, WCD file numbers that were not reported on that annual Defense Legal Services survey are given a presumed value and that value is included in the total. The estimated cost for the unreported WCD file numbers was $1,534,410. This increased the total Defense Legal cost for 2025 to $50,702,000. The number of unreported WCD file numbers is not reconciled with cases litigated before WCB.



Claimant Attorney Representation Percentage
WCB Litigation and CDAs

This chart shows the percentage of cases and claims in which the claimant is represented by an attorney. For litigation before the Hearings Division and on Board review, this information is captured at the time of the first order at the hearings level and the first order at the Board review level. For CDAs, the information represents whether the claimant was represented by counsel at the time of the CDA submission/request for approval.

Hearings				Board Review				CDA			
Year	Rep'd	Not Rep'd	% Rep'd	Year	Rep'd	Not Rep'd	% Rep'd	Year	Rep'd	Not Rep'd	% Rep'd
2016	6,225	949	86.8%	2016	324	28	92.0%	2016	2,455	605	80.2%
2017	6,088	908	87.0%	2017	338	23	93.6%	2017	2,553	607	80.8%
2018	6,322	936	87.1%	2018	242	21	92.0%	2018	2,491	544	82.1%
2019	6,622	962	87.3%	2019	249	18	93.3%	2019	2,416	562	81.1%
2020	6,537	884	88.1%	2020	202	14	93.5%	2020	2,582	711	78.4%
2021	5,973	844	87.6%	2021	219	26	89.4%	2021	2,358	534	81.5%
2022	5,744	718	88.9%	2022	196	8	96.1%	2022	2,325	581	80.0%
2023	5,932	791	88.2%	2023	163	13	92.6%	2023	2,390	621	79.4%
2024	6,314	719	89.8%	2024	175	18	90.7%	2024	2,940	481	84.0%
2025	6,512	801	89.0%	2025	141	15	90.4%	2025	2,464	527	82.4%

Comparison: Claimant Attorney Fees and AWW

To determine whether the changes in claimant attorney fee awards have tracked with overall changes to Oregon's economic growth, WCB created a graph comparing the average attorney fee award per case against the changes to the state average weekly wage (AWW). A baseline of 2016 has been used. The average awarded attorney fees per case (at any level, including settlements) is plotted against the year-over-year percent increase to the AWW.