

June 1, 2016

**BULLETIN NO. 1 (Revised)**  
**Effective: July 1, 2016**

**TO:** All Interested Parties

**SUBJECT:** Attorney Fees: ORS 656.262(11)(a); ORS 656.308(2)(d)

**This bulletin publishes the annual adjustment to attorney fees awarded under ORS 656.262(11)(a) and ORS 656.308(2)(d). See OAR 438-015-0038; OAR 438-015-0055(5); OAR 438-015-0110(3). This bulletin replaces Bulletin No. 1 dated June 8, 2015.**

**Summary:**

Effective January 1, 2016, House Bill 2764 section 2 (2015) raised the maximum attorney fee under ORS 656.262(11)(a) to \$4,000 absent a showing of extraordinary circumstances. ORS 656.262(11)(a) and ORS 656.308(2)(d) provide that the attorney fees awarded under those subsections are adjusted annually on July 1 by the same percentage increase, if any, as made to the state's average weekly wage (SAWW) under ORS 656.211. In accordance with these statutes, the aforementioned Board rules provide that the maximum attorney fee (in the absence of extraordinary circumstances) is subject to an annual adjustment on July 1 by the same percentage increase as made to the SAWW defined in ORS 656.211, if any, as calculated by the Workers' Compensation Department (on behalf of the Director).

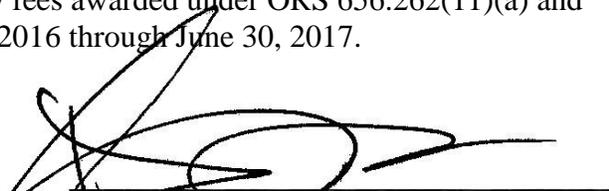
Effective July 1, 2016, the SAWW is \$974.20, an increase of **5.617** percent over the SAWW for the previous year (July 1, 2015 through June 30, 2016). See Workers' Compensation Division's Bulletin 111 (Revised) dated May 19, 2016.

Applying this 5.617 percentage increase results in the following:

Effective July 1, 2016, an attorney fee awarded under ORS 656.262(11)(a) may not exceed **\$4,225**, absent a showing of extraordinary circumstances. OAR 438-015-0110(3).

An attorney fee awarded under ORS 656.308(2)(d) shall not exceed **\$3,047**, absent a showing of extraordinary circumstances. OAR 438-015-0038; OAR 438-015-0055(5).

These adjusted maximum fees apply to attorney fees awarded under ORS 656.262(11)(a) and ORS 656.308(2)(d) by orders issued on July 1, 2016 through June 30, 2017.



Holly J. Somers, Board Chair  
Workers' Compensation Board