

SHEMIA FAGAN
STATE REPRESENTATIVE
DISTRICT 51



HOUSE OF REPRESENTATIVES

March 14, 2016

Oregon Workers' Compensation Board
2601 25th St SE, Suite 150
Salem, OR 97302-1280

Dear Chair Somers and Members of the Workers' Compensation Board,

It has been brought to my attention that your board has been considering the legislative intent of House Bill 2764 from the 2015 legislative session in order to glean a bearing on the direction Oregon is headed for attorney fees in workers' compensation cases. As a chief sponsor of HB 2764, I want to make clear that one of the primary purposes of the bill was to incentivize new attorneys to pursue specialization in workers' compensation law, in an overall effort to alleviate the difficulties injured workers face in finding legal representation.

As you're aware, the number of lawyers representing injured workers in Oregon has decreased dramatically over the past two decades. After thorough discussions on HB 2764 including testimony in the House Business and Labor Committee, it became abundantly clear that one of the biggest barriers to entry into this field was the level of compensation for injury lawyers in Oregon. With attorney's fees being artificially low and capped in these cases, and payment being dependent on a winning verdict, there is very little motivation for an aspiring lawyer, who is often saddled with a large student debt, to specialize in this field.

This particular section of the law is extremely complicated and without proper incentivization fewer and fewer attorneys will be willing to practice in the field, let alone master it. HB 2764 was passed with the intention of attracting more attorneys into the field by providing them with more competitive compensation rates, in order to help injured workers in Oregon get the legal representation they need and deserve.

Sincerely,

Shemia Fagan
Representative of House District 51
Oregon House of Representatives