

## COOK Rachel K \* DCBS

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**From:** MILLS J Mark \* DCBS  
**Sent:** Wednesday, June 08, 2016 8:37 AM  
**To:** COOK Rachel K \* DCBS  
**Subject:** FW: Advisory Committee Requested Information

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**From:** SOMERS Holly J \* DCBS  
**Sent:** Thursday, March 17, 2016 3:38 PM  
**To:** MILLS J Mark \* DCBS  
**Cc:** BURTON Karen \* DCBS; PEARSON Roger C \* DCBS  
**Subject:** Advisory Committee Requested Information

As we discussed, we are receiving requests from several committee members for statistical information that may help in coming to conclusions on appropriate adjustments to attorney fee thresholds and caps. We are working on getting the information together that we can, but it is unlikely we will have all (or even some) of the information my Monday, which is your last scheduled meeting. I wanted to let you know what we are working on. Here is a list of the questions that have been presented, as well as a printout of the CPI inflation computations. I'll let you know when we have more. My thanks to you and the committee for your hard work on this difficult but important subject.

Questions posed by Julie Masters (sent to IT&R this morning):

1. How often is the "cap" on an award of out-of-comp fees hit? Referring to OAR 438-015-0040 (\$4,600 on PPD) and OAR 438-015-0045 (\$1,500 on TTD).
2. In regard to DCS and CDA settlements, how many are there? What is the average amount? How many of those are at or above \$50,000?
3. In the last 18 months (approximately), how many times has the Board reduced the ALJ's fee award? How often has the Board increased the ALJ's fee award? (In both cases, referring to the fee awarded at hearing, not the fee for Review).
4. Number of cases in which Opinion and Orders are issued, and Orders on Review have issued. Compare that to the number of CDAs and DCSs.

Data from IT&R:

The last change in threshold took place in February 1999; the threshold went from \$12,500 to \$17,500. One approach would be to look at the Consumer Price Index change. Using the CPI Inflation Calculator <http://data.bls.gov/cgi-bin/cpicalc.pl> of the US Bureau of Labor Statistics, \$17,500 in 1999 has the same buying power as \$24,906 in 2016.

**CPI Inflation Calculator**

\$

in

Has the same buying power as:

in

I believe IT&R is working on some additional stats on behalf of the Ombudsman. Because the Ombudsman's office uses the same IT&R as the Board does, and they have their own charge back contract, it is appropriate she go to them directly. Once that information is compiled, it should be forwarded to me and I will send it on to you.

Questions have also arisen about assessed fees, including whether they have increased or decreased, and by how much, over the last few years. I'm not sure that this information is directly relevant to the advisory committee's work, but I will let you know when that information is compiled.

Thanks again, Mark.

*Holly J. Somers*

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