

Julene M Quinn LLC

Phone: 971.259.8141

Attorney at Law

Fax: 971.925.8611

julene.m.quinn@gmail.com

Mailing address: P.O. Box 820087, Portland, OR 97282-1087

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Workers' Compensation Board
2601 25th Street SE, Suite 150
Salem, OR 97302-1282

Re: Updating Attorney Fees
Implementation of HB 2764

Dear Board Members,

I wanted to provide some information for the Board to consider relative to a contingent practice. The closest in this regard is the Personal Injury (PI) practice. In investigating the fees charged, I was somewhat surprised to find that the agreements are fairly standard and do not vary much at all. The typical agreement is as follows, and the fees charged are of the total recovery:

33-1/3%	to take the case
40%	file suit/go to trial
50%	case goes up on appeal.

The comparison to the outdated attorney fees in workers' compensation is pretty stark.

For example, if one were to settle a case for \$100,000, the attorney fee in PI would be \$33,333; whereas in workers' compensation, the fee would be \$12,625, or less than 38% of a PI attorney fee. That is over a 62% reduction in fees from our counterparts.

The comparison to litigation fees is even worse. Take, for example, the recent case of *Cory L. Krauss*, 68 Van Natta 190 (2016). This case is chosen, because the Board provided its perspective on attorney fees at trial. That case involved a SLAP tear, which would be a surgical condition. Along with temporary disability, medical costs, and permanent disability that inevitably follows a shoulder surgery, the claim value will very likely be over \$100,000. The attorney fee was \$8000, a mere 8% of the likely value (probably less), and the Board review fee was \$4000, or 4%.

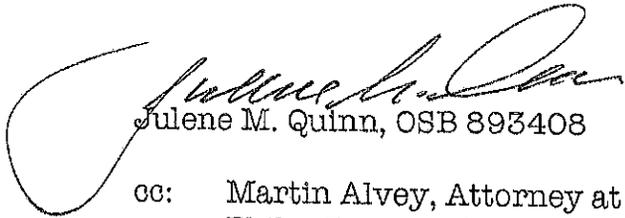
While the processes are different between the practices -- civil procedure versus administrative workers' compensation law, it is difficult to argue that workers' compensation is so much less complex and easier as to justify a 62-80% reduction in attorney fees between the two practices.

I am willing and I frequently help young practitioners in this system, but it is extremely difficult for me to advise new attorneys to consider workers' compensation. The payout is just not there.

In updating the fees according to HB 2764, please consider this information.

Thank you for your courtesies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julene M. Quinn".

Julene M. Quinn, OSB 893408

cc: Martin Alvey, Attorney at Law
Philip Garrow, Attorney at Law