

## Suggested Attorney Fees for Out-of-Compensation Matters

The win/loss ratios for permanent disability hovered at less than 25% to obtain any increase in the hearing process. They have dipped in this past year to less than 17%.

Attorney fees need to be sufficient for the time it takes for a case and considering the contingent nature of the practice.

Permnet disability cases are usually done in writing. Written work takes more time. A reasonable estimate for all work in preparing and finalizing a PPD case is around 25 hours. Board work will take around 15-18 hours. Court work 40-50 hours, depending.

Permanent Total Disability cases include an extremely high number of hours to prepare and include significant financial investment by attorneys often fronting the fees for the expert reports.

Attorney fees need to be sufficient to cover all levels of litigation, including appeals. Also, given recent court decisions in other jurisdictions, capped fees that do not allow for a reasonable fee considering the work done on a case are probably unconstitutional. Thus, any fee schedule should include an exception for additional fees if a reasonable attorney fee given the work on a case is more.

PTD will take easily over 50 hours at the hearing level. Board appeals are estimated at about 25 hours. Court appeals take about 45-50 hours depending on the complexity of the issue, and can take up to 75 hours.

PTD

Hearing:	\$25,000
Board:	\$12,500
Court:	\$25,000

PPD

Hearing:	\$12,500
Board:	\$8,000
Court:	\$20,000