



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Workers' Compensation Division

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TO: Workers' compensation attorneys, insurers, service companies, and self-insured employers

SUBJECT: Communications with and between attorneys

The Workers' Compensation Division has observed two trends that appear to be resulting in delayed or incomplete responses by insurers or insurer's attorneys. First, attorneys who represent injured workers are increasingly communicating only with insurance companies' attorneys, rather than claims examiners, for claim-related matters that are not in litigation. The division is also receiving more correspondence from insurer attorneys that used to come directly from claims examiners. These trends surface most during review of disputes over timeliness of payment or claim processing, and over the timely provision of discovery or other information. The following reminders are offered so all parties understand the division's approach to these communications:

- ♦ When a worker's attorney communicates only with an insurer's attorney and there is some reasonable indication of an attorney-client relationship between the attorney and the insurer (e.g. a recent letter from the attorney on behalf of the insurer or prior representation of the insurer on the same issue or dispute), the division will treat it as though the insurer were contacted directly. The division will hold the insurer accountable for the timeliness and completeness of any response that is required because of that contact, even if the insurer's attorney is the one who provides the response.
- ♦ When an insurer's attorney responds to an inquiry on behalf of the insurer, the response must be complete. Copies of documents must be from the insurer's claim file, including the appropriate date stamps clearly indicating the insurer's date of receipt.
- ♦ The insurer may be assessed penalties for any untimely and incomplete response submitted by an attorney on their behalf.

If you have any questions about this notice, please contact Bob Hamre, Investigations and Sanctions Unit manager, at 503-947-7654 or send e-mail to robert.hamre@state.or.us.

John L. Shilts, Administrator
Workers' Compensation Division

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