



Oregon

Kate Brown, Governor

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BULLETIN NO. 356 (Revised)
May 21, 2021

TO: All interested parties

SUBJECT: Attorney fees

EFFECTIVE: July 1, 2021

This bulletin publishes the attorney fee matrix under Oregon Administrative Rule (OAR) 436-001-0410(1)(d) for attorney fees awarded under Oregon Revised Statute (ORS) 656.385(1). This bulletin replaces Bulletin No. 356 issued May 21, 2020.

Under ORS 656.385(1), the maximum attorney fee will be adjusted annually on July 1 by the same percentage increase, if any, as made to the average weekly wage defined in ORS 656.211. The average weekly wage that applies for the period July 1, 2021 through June 30, 2022, has increased 14.059 percent. The high concentration of job losses in 2020 among low-wage workers means that the average wage went up based on the wages of workers who remained employed.

OAR 436-001-0410(1)(d) provides a matrix for determining the amount of the fee, showing the maximum fee and fee ranges as percentages of the adjusted statutory maximum. The matrix below translates those percentages into dollar amounts, rounded to the nearest whole dollar.

Effective July 1, 2021, the average weekly wage is \$1,247.13. See Bulletin 111 for more information about the average weekly wage. The maximum attorney fee that may be awarded under ORS 656.385(1), absent a showing of extraordinary circumstances, is \$5,471.

This matrix applies to attorney fees awarded under ORS 656.385(1) by orders issued July 1, 2021 through June 30, 2022			
Estimated Benefit Achieved	Professional Hours Devoted		
	1-4 hours	4.1-8 hours	over 8 hours
\$1-\$2,000	\$274 - \$1,915	\$821 - \$2,736	\$2,188 - \$3,419
\$2,001-\$4,000	\$547 - \$2,188	\$1,641 - \$3,556	\$2,872 - \$4,103
\$4,001-\$6,000	\$821 - \$2,736	\$2,188 - \$3,966	\$3,556 - \$4,787
Over \$6,000	\$1,094 - \$3,556	\$2,872 - \$4,924	\$4,240 - \$5,471

This matrix applies to attorney fees awarded under ORS 656.385(1) by orders issued July 1, 2020 through June 30, 2021			
Estimated Benefit Achieved	Professional Hours Devoted		
	1-4 hours	4.1-8 hours	over 8 hours
\$1-\$2,000	\$240 - \$1,679	\$720 - \$2,399	\$1,919 - \$2,998
\$2,001-\$4,000	\$480 - \$1,919	\$1,439 - \$3,118	\$2,518 - \$3,598
\$4,001-\$6,000	\$720 - \$2,399	\$1,919 - \$3,478	\$3,118 - \$4,197
Over \$6,000	\$959 - \$3,118	\$2,518 - \$4,317	\$3,718 - \$4,797

You can find the statutes and rule referenced in this bulletin by going to the Workers' Compensation Division's website at www.wcd.oregon.gov and clicking on "Laws and rules."

If you have questions about this bulletin, contact the division's legal issues coordinator at 503-947-7723.



Sally Coen, Administrator
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