



Oregon

Tina Kotek, Governor



Workers'
Compensation
Division

Department of Consumer
and Business Services

BULLETIN NO. 356 (Revised)
June 1, 2023

TO: All interested parties

SUBJECT: Attorney fees

EFFECTIVE: July 1, 2023

This bulletin publishes:

- **The attorney fee matrix under Oregon Administrative Rule (OAR) 436-001-0410(1)(d) for attorney fees under Oregon Revised Statute (ORS) 656.385(1).**
- **The adjusted hourly rates under OAR 436-001-0435(2) for attorney fees under ORS 656.277(1).**
- **The adjusted maximum fee under OAR 436-001-0438(3)(a) for attorney fees under ORS 656.383(1).**

This bulletin replaces Bulletin No. 356 issued May 23, 2022.

As provided in OAR 436-001-0410(1)(c), 436-001-0435(2), and 436-001-0438(3)(a) (effective Sept. 1, 2022), amounts under those rules will be adjusted annually by the same percentage increase, if any, to the average weekly wage defined in ORS 656.211. If the average weekly wage does not change or decreases, amounts will not be adjusted for that year.

Effective July 1, 2023, the average weekly wage is \$1,295.86, a **decrease** of 2.217 percent. See [Bulletin 111](#) for more information about the average weekly wage. **Because there has not been an increase in the average weekly wage, attorney fee amounts have not been adjusted for the period July 1, 2023, through June 30, 2024.**

I. Attorney Fees Under OAR 436-001-0410 and ORS 656.385(1) (Medical and Vocational Disputes)

Effective July 1, 2023, the maximum attorney fee that may be awarded under ORS 656.385(1), absent a showing of extraordinary circumstances, is **\$5,814**.

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.

This matrix applies to attorney fees awarded under ORS 656.385(1) by orders issued July 1, 2022 through June 30, 2024			
Estimated Benefit Achieved	Professional Hours Devoted		
	1-4 hours	4.1-8 hours	over 8 hours
\$1-\$2,000	\$291 - \$2,035	\$872 - \$2,907	\$2,326 - \$3,634
\$2,001-\$4,000	\$581 - \$2,326	\$1,744 - \$3,779	\$3,052 - \$4,361
\$4,001-\$6,000	\$872 - \$2,907	\$2,326 - \$4,215	\$3,779 - \$5,087
Over \$6,000	\$1,163 - \$3,779	\$3,052 - \$5,233	\$4,506 - \$5,814

II. Attorney Fees Under OAR 436-001-0435 and ORS 656.277(1) (Reclassification)

Effective July 1, 2023, for attorney fees in reclassifications under ORS 656.277(1)(b) and OAR 436-001-0435, the director will determine a reasonable hourly rate of no less than **\$292** per hour and no more than **\$425** per hour.

III. Attorney Fees under OAR 436-001-0438 and ORS 656.383(1) (Temporary Disability Compensation Benefits)

Effective July 1, 2023, the total fee payable under OAR 436-001-0438 may not exceed **\$5,600**.

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 503-509-3289.



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