

LUMP SUM ADVANCEMENTS FOR ATTORNEY FEES

Resolution R18-1-08

Guidelines for Lump Sum Advancements for Attorney Fees and Reimbursement of Expenses

September 26, 2018

WHEREAS, R.C. 4123.64 provides authority to commute payments of compensation or medical benefits to one or more lump sum payments; and

WHEREAS, R.C. 4123.06 provides that the Commission approve, disapprove, or modify applications for lump sum payments for attorney's fees and allow payment of a reasonable fee after review of the application; and

WHEREAS, Ohio Adm.Code 4121-3-10(B) provides that lump sum payment for attorney's fees shall be limited to an amount determined periodically by the Commission; and

WHEREAS, the Commission has enacted prior resolutions for securing lump sum payment of attorney fees for awards for permanent total disability, death, and permanent partial disability including scheduled losses; and

WHEREAS, the Commission now finds it necessary and proper to revise the guidelines adopted by the Commission in the adjudication of applications for lump sum advancements of attorney's fees.

THEREFORE BE IT RESOLVED that the Commission establishes the following guidelines in the adjudication of applications for lump sum advancement of attorney's fees:

1. No application for lump sum payment for attorney's fees for services rendered in securing an award of compensation for permanent total disability or an award of death benefits shall be approved if either the amount of the advancement for attorney's fees is in excess of fifteen thousand dollars (\$15,000) or where the advancement of attorney's fees would cause a reduction in the claimant's existing weekly compensation rate of more than twenty percent (20%).
2. No application for lump sum payment for attorney's fees for services rendered in securing a scheduled loss award, or compensation for percentage of permanent partial disability shall be approved if the amount of the advancement for attorney's fees is in excess of fifteen thousand dollars (\$15,000) or where the advancement of attorney's fees would cause a reduction in the claimant's existing weekly compensation rate of more than thirty-three and one-third percent (33-1/3%).
3. In addition to the amount described in the proceeding paragraphs the Commission shall permit approval of applications for lump sum payment of attorney's fees, that include requests for reimbursement of expenses for obtaining a medical report or vocational report to support an application for a scheduled loss award, percentage of permanent partial disability, permanent total disability, or death benefits when such expenses are the obligation of the claimant in the fee agreement that is entered into between the claimant and the attorney. Applications for lump sum payment for attorney's fees that include requests for reimbursement of such expenses are to be based on the actual expenses incurred, but in no event shall the lump sum payment to reimburse such expenses exceed one thousand five hundred dollars (\$1500).

BE IT FURTHER RESOLVED, that the foregoing guidelines shall be effective for all applications for lump sum advancements for attorney's fees processed on or after September 26, 2018.

BE IT FURTHER RESOLVED, that the guidelines set forth in Resolutions R07-1-02, R99-1-01, R95-1-13, and R-90-1-10 are hereby rescinded.