

Lump Sum Advancements for Attorney Fees

R99-1-01

Attorney Fees/Lump Sum Advancements

June 30, 1999

(R99-1-01 is also referenced under '**Attorney Fee Guidelines**')

WHEREAS, Section 4123.06 of the Ohio Revised Code provides that the Commission shall adjudicate requests for payment of fees to attorneys for services in securing an award under Section 4123.64 of the Ohio Revised Code; and

WHEREAS, Rule 4121-3-10(B)(2)(b) of the Ohio Administrative Code provides that advancements for attorney's fees shall be limited to an amount determined periodically by the Industrial Commission; and

WHEREAS, Resolution No. R87-1-152 dated August 17, 1987 provided that the Commission would not approve an application from lump sum advancement for payment of attorney's fees to obtain an award of compensation for permanent total disability in excess of five thousand dollars (\$5,000.00) for services rendered in securing an award for compensation for permanent total disability and an award for death benefits including any accrued portion of the award; and

WHEREAS, the Commission adopted Resolution No. R95-1-13, dated September 27, 1995 that provides that no application for lump sum advancement for attorney's fees shall be granted if either the amount of the advancement is in excess of eight thousand dollars (\$8,000.00) or where such advancement would cause a reduction in the claimant's existing weekly compensation rate of more than twenty percent (20%); and

WHEREAS, questions have arisen regarding the continued application of Resolution No. R87-1-152 in light of the existence of the Commission's resolution dated September 27, 1995; and

WHEREAS, Section 4121.03(E)(1) of the Ohio Revised Code provides that the Commission is responsible to establish the overall adjudicatory policy of the Commission; and

WHEREAS, after further review of Section 4123.06 of the Ohio Revised Code and discussion of this matter, the Industrial Commission finds that Resolution No. R87-1-152 should be rescinded.

THEREFORE BE IT RESOLVED as the Commission's current policy and practice is set forth in Resolution No. R95-1-13 dated September 27, 1995, Resolution No. R87-1-152 shall be rescinded.

BE IT FURTHER RESOLVED that the appropriate revisions be made to form OIC-3022 (IC-32-A) and any other forms that may be used to request a lump sum advancement for attorney's fees in accordance with the instant resolution.

BE IT FURTHER RESOLVED that the instant resolution shall be effective for all applications for lump sum advancement for payment of attorney's fees filed on or after and to all applications for lump sum advancement for payment of attorney's fees pending on July 1, 1999.

Other Attorney Fee Guidelines Resolutions

Joint Resolution R87-1-176
Authorization to Receive Checks for Wage Loss Compensation
August 25, 1987

Joint Resolution R03-1-03

Guidelines for Authorization to Receive Checks and Attorney Fee Guidelines for Authorization filed prior to April 15, 2007

Joint Resolution R07-1-01

Guidelines for Authorization to Receive Checks and Attorney Fee Guidelines for Authorization filed after April 15, 2007

Joint Resolution R07-1-02

Guidelines for Lump Sum Advancements for Attorney Fees and Reimbursement of Expenses
May 2, 2007

Other Lump Sum Advancements for Attorney Fees Resolutions

R95-1-13

Maximum Reduction of Compensation Rate
September 27, 1995

R90-1-10

Limitation on Amount
September 5, 1990