

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

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DIRECTIVE: Administrative Issuance No. 16-01

TO: Compensation Review Board
Administrative Hearings Division
Office of Workers' Compensation

FROM: Deborah A. Carroll *DAE*
Director

SUBJECT: Policy Directive Regarding the Award of Attorney Fees in District of
Columbia Workers' Compensation Cases

The purpose of this policy directive is to revise and clarify the standards to be utilized in awarding attorney fees in workers' compensation cases.

Background

D.C. Code § 32-1530 and § 1-623.27 authorizes an award of a "reasonable" attorney's fee in specified circumstances provided the fee award does not exceed 20% of the actual benefit secured through the efforts of the attorney. In determining whether to award an attorney's fee, and the amount, the D.C. Department of Employment Services (DOES) has been guided by the factors set forth in 7 DCMR § 224 and 7 DCMR § 132:

- a. The nature and complexity of the claim including the adversarial nature, if any, of the proceeding;
- b. The actual time spent on development and presentation of the case;
- c. The dollar amount of benefits obtained and the dollar amount of potential future benefits resulting from the efforts of an attorney;

- d. The reasonable and customary local charge for similar services; and
- e. The professional qualifications of the representative and the quality of representation afforded to [the] employee.

DOES' May 12, 2005, Policy Directive Clarifying the Award of Attorney Fees in District of Columbia Workers' Compensation Cases is amended and revised so that the DOES' Labor Standards Bureau Office of Workers' Compensation (OWC), Administrative Hearings Division (AHD), and Compensation Review Board (CRB) shall process attorney fee applications as follows:

1. Effective July 1, 2016, the maximum hourly rate for an attorney's fee award shall be in accordance with the following schedule:

Number of Years of Practice Experience in Worker's Compensation Law	Maximum Hourly Rate Awardable
Two (2) years or less	\$200.00
Above Two (2) years to five (5) years	\$240.00
Above Five (5) years to ten (10) years	\$260.00
Above Ten (10) years to twenty (20) years	\$280.00
Above Twenty (20) years and more	\$310.00

The hourly rate for services performed by a paralegal is \$96.00.

2. This Directive shall apply to all new claims filed pertaining to injuries sustained on or after July 1, 2016.
3. An attorney's fee assessed against the opposing party also shall be in accordance with D.C. Code § 32-1530, § 1-623.27 and 7 DCMR § 132, § 224 or § 269.
4. Beginning January 1, 2018, attorney's fees shall be adjusted every three years, based on the U.S. Department of Labor's Labor Standards Bureau Consumer Price Index for Washington-Baltimore Metropolitan Area, which will be declared and applied by the DOES Labor Standards Bureau.
5. An attorney fee, as set forth in a settlement agreement where both parties are represented by legal counsel, shall be approved by the OWC. D.C. Code § 32-1508(8). *Atkins v. Rite Aid Corp.*, CRB No. 09-124, OWC No. 642482 (April 27, 2010).