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**Proposed rule change: §131.55. Attorney fees and costs.**

(a) In all cases, claimant's counsel shall submit a copy of the fee agreement or claim, and a copy of any statement or claim for disbursements, costs and expenses. No agreement or claim for fees or other disbursements, costs or expenses, by claimant's counsel shall be valid, and no payments shall be made pursuant thereto, unless approved for payment by the judge before whom the matter is heard or by the Board as provided by law. Except as otherwise approved, no further fee, cost or expense is to be charged.

With regard to costs of litigation, if the above is to mean a Claimant's attorney cannot charge and collect a client for costs of litigation (medical records obtainment fee from doctor's office, medical report fees charged by doctors, court reporter fees, doctor deposition fees, etc.) unless approved by a judge, many injured workers' will not be able to find representation. When investigating a possible Claim or possibly defending a recently filed Termination Petition, the attorney will want to obtain a medical report before entering their appearance. In many cases the attorney will not advance costs at that level. In addition, many attorneys handle many petitions on a pro bono basis (Petition to Review UR is a good example) but will not also advance costs. Again, if the client cannot be billed for these costs, they will go without representation. If that is the intent, then this section will go a long way in depriving injured workers' of representation.

If the goal is efficiency, then the rule that any IME's take place within 45 days of the first hearing held needs to be strengthened. It needs to be amended to include first hearings of any type including those where no testimony is taken. Defendant's often delay the IME well beyond the 45 days for the sole purpose of delaying the claim. Most Claimant's attorneys will not take there doctor's deposition until the IME report is received so that the treating doctor can rebut the IME at the time of the deposition and will also wait for receipt of the report because the IME may agree with the claimant's position so that no depositions are needed. A delay in the IME delays the entire claim or reinstatement.

If you have any questions regarding the above, feel free to contact me any time.

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PA Super Lawyer & Certified as a Specialist in the practice of workers' compensation law by the Pennsylvania Bar Association's Section on Workers' Compensation Law as authorized by the Pennsylvania Supreme Court.

We strive to be a paperless office. I encourage you to send all correspondence, pleadings, discovery, and every other transmittable item via email instead of FAX or US Mail when at all possible. When this form of transmittal occurs, it is not necessary to send a separate copy via US Mail or FAX. This request applies to all attorneys and staff with Calhoon & Associates, P.C. We thank you for your anticipated cooperation.