

2012 Disputes table updates

Appellate review requests and orders, 1991-2012

Year	Requests on closures	Percent of closures appealed	Requests on disabling classifications	Total orders issued	Percent of orders appealed to hearings
1991	6,014	16.5%	26	5,896	49.0%
1992	6,535	20.0%	73	6,463	53.4%
1993	5,937	18.5%	87	5,954	48.1%
1994	5,839	18.0%	99	5,953	47.8%
1995	6,543	20.1%	152	6,420	44.6%
1996	5,352	18.1%	128	5,857	41.2%
1997	4,306	15.2%	100	4,452	38.8%
1998	4,228	15.3%	123	4,282	38.9%
1999	4,025	15.5%	126	4,263	38.7%
2000	3,833	15.3%	132	3,988	33.7%
2001	3,979	16.0%	142	4,021	30.7%
2002	3,906	16.7%	188	4,122	29.6%
2003	3,749	17.1%	205	4,037	28.2%
2004	3,800	17.2%	186	3,950	29.1%
2005	3,531	16.4%	182	3,824	25.3%
2006	3,424	15.2%	198	3,637	24.1%
2007	3,788	16.4%	186	3,941	23.1%
2008	3,527	16.1%	149	3,743	19.2%
2009	3,409	17.5%	147	3,598	21.6%
2010	2,978	16.6%	167	3,215	22.0%
2011	2,714	15.1%	135	2,844	19.1%
2012	2,669	14.8%	135	2,681	19.1%

The WCD Appellate Review Unit provides administrative review of decisions made by insurers regarding claim closures and classifications of claims as disabling or nondisabling. Effective 2004, insurers may also appeal claim closures when they disagree with findings on impairment by attending physicians.

Since 1995, the trend in the number of requests for reconsideration of claim closures has been declining; it is currently at its lowest level. This is largely due to the decline in the number of closures.

Requests are a count of the disputed closures, regardless of the number of amending closures that are disputed. A case is a proceeding to resolve a disputed closure or disability classification, regardless of the number of amending orders by ARU.

Medical dispute requests and orders, 1990-2012

Year	Requests	Orders	Request-to-order median days
1990	1,172	310	28
1991	1,386	969	112
1992	1,518	1,412	63
1993	876	987	44
1994	466	467	33
1995	741	469	39
1996	716	856	120
1997	878	816	61
1998	801	816	89
1999	905	819	84
2000	991	948	114
2001	1,181	1,222	69
2002	1,049	918	81
2003	1,362	1,293	88
2004	1,350	1,264	87
2005	1,456	1,548	75
2006	1,651	1,745	41
2007	1,823	1,803	28
2008	3,319	2,740	24
2009	3,047	3,822	16
2010	2,950	2,665	11
2011	2,214	2,255	13
2012	2,076	2,104	13

Medical dispute resolution requests have fluctuated with court decisions and legislative changes. They declined sharply after a court decision limited the department's jurisdiction. SB 369 reversed this decision and the numbers have since increased.

In 1999, SB 728 gave authority to the Hearings Division to determine the compensability of the underlying medical condition or the causal relationship between the accepted condition and the medical service. All other medical disputes are handled by the WCD Medical Resolution Team.

In 2008, the number of requests nearly doubled; this was due primarily to the initiation of alternative dispute resolution, which has resolved medical fee disputes quickly.

In 2012, the number of medical dispute orders was 2,104. The median time from request to order was 13 days.

Medical dispute issues, by year of request, 2007-2012

Year	Fees	Medical services	Treatments	Palliative care	MCO issues	Changes of attending physician	Independent medical exams	Compensability	Interim medical benefits
2007	27.8%	40.2%	8.1%	3.1%	7.9%	0.5%	0.4%	11.8%	0.2%
2008	63.3%	21.1%	5.4%	1.5%	5.8%	0.1%	0.2%	2.5%	0.1%
2009	56.2%	23.5%	6.9%	1.2%	8.0%	0.5%	0.4%	3.0%	0.4%
2010	56.7%	18.9%	6.2%	1.2%	8.8%	0.6%	0.4%	3.9%	0.1%
2011	35.7%	18.3%	6.3%	1.4%	6.8%	0.8%	0.2%	3.1%	0.0%
2012	34.4%	15.2%	5.5%	0.7%	8.7%	0.5%	0.2%	2.9%	0.1%

SB 728 (1999) gave responsibility to the Hearings Division for disputes in which the compensability of the underlying medical condition is at issue. These cases were 2.9 percent of all 2012 medical-dispute-resolution requests. SB 485 (2001) amended the law regarding payment for interim medical benefits (medical services provided before a claim's initial acceptance or denial). It added a process for these disputes.

Vocational dispute requests and resolutions, 1991-2012

Year	Requests	Resolutions	Request-to-resolution median days
1991	2,067	2,137	41
1992	1,643	1,725	29
1993	1,493	1,519	25
1994	1,389	1,373	24
1995	1,347	1,304	28
1996	996	1,037	35
1997	877	881	32
1998	716	715	26
1999	630	681	28
2000	549	563	35
2001	511	480	35
2002	512	530	63
2003	504	530	56
2004	551	551	42
2005	492	485	47
2006	456	495	30
2007	468	446	28
2008	469	504	36
2009	451	432	34
2010	306	323	35
2011	200	223	36
2012	176	177	34

The WCD Rehabilitation Review Unit provides administrative review of vocational disputes brought by workers. The number of requests has fallen since 1991, chiefly because of the decrease in the number of vocational assistance cases.

The median time to resolve a dispute was 34 days in 2012; 81 percent were done within the standard of less than 60 days.

Vocational dispute resolutions, by outcome, 2006-2012

Year	Agreements	Insurer prevail orders	Worker prevail orders	Other orders	Dismissals
2007	28.0%	21.5%	6.5%	0.9%	43.0%
2008	22.4%	30.2%	8.9%	3.6%	34.9%
2009	25.9%	22.5%	8.8%	3.9%	38.9%
2010	21.1%	21.7%	9.0%	3.1%	45.2%
2011	22.0%	22.4%	12.6%	3.6%	39.5%
2012	24.9%	19.8%	7.9%	2.3%	45.2%

The department strives to resolve vocational disputes through agreements, but agreements as a percentage of outcomes have shown a declining trend until recently.

Hearing requests, orders, time lags, and appeal rates, 1987-2012

Year	Requests	Orders	Request-to-order median days	Appeal rate
1987	20,397	23,680	224	8.1%
1988	23,316	26,386	114	9.0%
1989	27,549	24,890	116	8.7%
1990	24,018	25,073	147	7.3%
1991	19,673	21,368	133	12.2%
1992	17,490	19,580	125	12.6%
1993	16,422	16,888	119	11.3%
1994	16,527	15,751	121	11.3%
1995	14,862	16,798	124	10.6%
1996	12,351	13,341	120	11.5%
1997	11,266	11,596	122	12.5%
1998	11,059	11,271	121	11.7%
1999	11,084	10,846	124	11.5%
2000	10,654	10,935	128	11.0%
2001	11,074	10,269	126	10.6%
2002	10,679	10,830	128	9.8%
2003	10,177	10,429	136	10.9%
2004	9,980	9,531	127	9.6%
2005	9,297	10,006	146	9.0%
2006	9,130	9,442	143	9.4%
2007	9,355	9,261	138	8.6%
2008	9,173	9,084	133	7.9%
2009	8,568	9,044	141	7.8%
2010	8,183	8,580	134	8.0%
2011	7,631	7,759	127	7.7%
2012	7,638	7,536	123	7.5%

Hearing requests peaked in 1989. The 7,631 requests in 2011 was the lowest on record and about 28 percent of the 1989 figure.

Hearing requests have dropped for three primary reasons: fewer injuries and accepted disabling claims; law changes that have reduced litigation about permanent disability; and other reform measures implemented to reduce litigation, including the provision for claim disposition agreements.

HB 2900 (1987) required that a hearing be scheduled within 90 days and an order published within 30 days of the hearing. The median time between request and order was 123 days in 2012.

Notes: Counts include settlements that were received without a prior hearing request and cases generated in order to record a mediation result. Appeal rates are based on all hearing order types, not just appealable orders.

All data exclude safety cases. WCD contested cases are considered in only the Requests and Orders columns.

Percentage of hearing orders involving selected issues, 1987-2012

Year	Permanent disability	Claim denial	Partial denial	Insurer penalty
1987	46.1%	24.5%	9.3%	14.6%
1988	39.7%	24.5%	10.4%	16.4%
1989	31.9%	32.3%	7.3%	16.6%
1990	33.3%	34.8%	8.8%	14.6%
1991	18.2%	43.7%	14.5%	10.0%
1992	15.7%	40.9%	14.7%	7.5%
1993	12.6%	48.7%	14.5%	10.3%
1994	11.6%	44.7%	19.9%	12.5%
1995	10.4%	39.4%	27.5%	12.1%
1996	11.5%	38.2%	34.4%	8.4%
1997	10.1%	46.6%	24.6%	5.9%
1998	7.6%	42.9%	33.4%	7.2%
1999	7.8%	42.5%	33.9%	7.8%
2000	7.5%	40.7%	36.2%	7.4%
2001	6.1%	39.7%	38.7%	8.1%
2002	6.3%	39.7%	38.9%	6.6%
2003	5.6%	40.7%	38.0%	7.2%
2004	6.6%	39.7%	37.8%	7.5%
2005	5.3%	41.5%	38.1%	7.3%
2006	4.5%	39.8%	38.7%	7.7%
2007	4.6%	37.6%	40.6%	8.6%
2008	4.0%	36.3%	43.5%	7.8%
2009	3.9%	35.8%	44.8%	7.3%
2010	3.5%	34.3%	47.3%	6.9%
2011	2.8%	35.8%	47.3%	5.8%
2012	2.5%	36.6%	45.8%	6.7%

Permanent disability was the most frequent hearing issue until 1989, when whole claim denial replaced it. For 2008-2012, permanent disability was an issue in 4 percent or less of hearings. Since 1990, partial denial has risen from 9 percent to more than 47 percent of hearings orders.

Reasons for the relative frequency change of permanent disability were HB 2900 in 1987 (disability standards), SB 1197 in 1990 (department reconsiderations, medical arbiters, and CDAs), and SB 369 in 1995 (limitations on issues and evidence, and the definition of "gainful employment").

Notes: This table does not include all issues. Also, orders may deal with multiple cases, and each case may have multiple issues. Issues are not recorded for cases that are dismissed or withdrawn, so these percentages are based on opinion and order cases and settlements.

Workers' Compensation Board mediations, 1996-2012

Year	Mediations completed	Percent settled	Percent of settlements resolved by DCS
1996	128	84%	81%
1997	250	92%	82%
1998	233	90%	87%
1999	216	90%	84%
2000	280	89%	87%
2001	248	85%	93%
2002	285	86%	85%
2003	241	86%	88%
2004	268	84%	81%
2005	270	87%	82%
2006	356	88%	77%
2007	346	89%	79%
2008	398	90%	76%
2009	487	89%	80%
2010	439	91%	81%
2011	406	90%	82%
2012	387	89%	85%

The board's mediation program began in June 1996.

The 91 percent settlement rate of 2010 was the second highest on record.

A mediation is considered settled by a disputed claim settlement if any included case is closed by a DCS.

Data through 2005 are based on mediation worksheets; data for 2006 and after are based on mediation events in the board's data system.

Issues in WCB mediations, 1996-2012

Year	Disease	Compensability	Non-WCB issues
1996	50%	N/A	N/A
1997	50%	90%	40%
1998	44%	98%	47%
1999	63%	N/A	46%
2000	41%	97%	43%
2001	49%	99%	51%
2002	42%	95%	55%
2003	41%	99%	45%
2004	31%	97%	50%
2005	67%	94%	47%
2006	46%	81%	42%
2007	64%	81%	43%
2008	72%	79%	43%
2009	73%	80%	44%
2010	68%	83%	35%
2011	70%	83%	36%
2012	70%	86%	41%

"Disease" means compensability of an occupational disease; it includes mental disorder.

"Non-WCB issues" includes employment rights, Workers' Compensation Division issues, torts, contracts, and other civil actions.

In 2008, the cases resolved by mediation that included compensability as an issue dropped to an all-time low of 79 percent. The percentage of mediations that included non-WCB issues has ranged from 2010's record-low 35 percent to 55 percent.

Board review requests, orders, time lags, and appeal rates, 1987-2012

Year	Requests	Orders	Request-to-order median days	Appeal rates
1987	1,719	1,222	259	29.6%
1988	2,151	991	306	12.8%
1989	1,944	1,576	548	13.6%
1990	1,653	3,067	458	17.2%
1991	2,346	2,064	264	23.8%
1992	2,230	2,487	255	27.9%
1993	1,726	1,931	256	19.5%
1994	1,599	1,814	238	20.1%
1995	1,553	1,655	204	17.4%
1996	1,381	1,676	163	17.9%
1997	1,307	1,229	160	18.2%
1998	1,187	1,358	134	18.5%
1999	1,141	1,147	125	19.1%
2000	1,076	1,166	118	21.2%
2001	966	860	110	22.9%
2002	939	818	209	14.5%
2003	996	1,023	161	19.2%
2004	802	912	162	17.9%
2005	796	770	140	13.8%
2006	782	738	167	14.9%
2007	705	701	170	14.4%
2008	625	721	196	14.6%
2009	601	582	172	12.9%
2010	588	614	187	12.4%
2011	517	551	189	14.0%
2012	492	493	185	17.8%

The number of requests for board review peaked in 1991. Requests have dropped primarily because the number of hearing opinion and orders (judge's decision on the merits) has dropped from the high of 7,000 in 1988 to fewer than 1,200 in 2012.

HB 2900 (1987) required a board review to be scheduled within 90 days and an order published within 30 days of the review.

The appeal rate of board-review orders dropped immediately from the 1987 peak. One reason was that HB 2900 changed the court's review standard from de novo to "substantial evidence."

Note: Counts exclude crime-victim and third-party cases, reconsideration orders, and on-remand orders. Appeal rates are based on all board-review order types, not just orders on review.

Board own-motion orders, 1987-2012

Year	BOM orders
1987	612
1988	724
1989	703
1990	962
1991	1,135
1992	1,003
1993	927
1994	845
1995	751
1996	659
1997	616
1998	639
1999	593
2000	555
2001	431
2002	243
2003	395
2004	496
2005	466
2006	183
2007	179
2008	198
2009	166
2010	213
2011	156
2012	139

In 1987, the Legislature (HB 2900) limited worker benefits by own motion. The number of board own-motion orders peaked in 1991.

The 2001 Legislature (SB 485) provided for benefits when curative treatment is in lieu of hospitalization, new and omitted medical condition claims, and permanent disability. These actions may account for the increase in orders in 2003 to 2005 over 2002.

Lawmakers in 2005 (HB 2294) required that a condition must be compensable before an own-motion claim may be processed, reducing numbers of own-motion claims.

Court of Appeals requests, decisions, and time lags, 1987-2012

Year	Requests	Decisions	Request-to-decision median days
1987	362	287	335
1988	127	283	323
1989	214	108	281
1990	528	178	298
1991	491	332	293
1992	695	247	321
1993	377	285	295
1994	365	239	286
1995	288	172	299
1996	300	175	288
1997	224	160	318
1998	251	130	330
1999	219	126	343
2000	247	98	376
2001	197	102	426
2002	119	111	458
2003	196	64	457
2004	163	114	441
2005	106	80	440
2006	110	60	482
2007	101	59	453
2008	105	47	476
2009	75	38	553
2010	76	48	573
2011	77	49	586
2012	88	34	482

Appeals to the court peaked in 1992; in 2012, the number of appeals, 88, was just 12.6 percent of the peak value.

The primary reasons for the subsequent decline are the decreasing numbers of orders on review and the change in the court's review standard.

Time lags for court decisions climbed for six straight years between 1996 and 2002. Time lags reached a record-high 586 days (1.6 years) in 2011. In 2012, the median request-to-decision time declined somewhat to 482 days.

Notes: Decisions exclude court dismissals and remands where the court did not rule on the primary issue nor direct a resolution. Time lags exclude dismissals. The decision date is the date of the court's slip opinion.

Median time lag (days) from injury to order, 1987-2012

Year	Hearings	Board	Court
1987	758	1,067	1,496
1988	677	1,098	1,606
1989	602	1,320	1,512
1990	617	1,169	1,770
1991	659	978	1,512
1992	655	1,047	1,549
1993	598	966	1,443
1994	561	870	1,402
1995	574	817	1,490
1996	532	763	1,247
1997	502	723	1,484
1998	488	716	1,330
1999	485	685	1,446
2000	506	721	1,238
2001	496	714	1,281
2002	549	811	1,311
2003	541	780	1,369
2004	535	806	1,481
2005	559	827	1,446
2006	537	831	1,447
2007	533	834	1,440
2008	541	855	1,455
2009	564	890	1,790
2010	581	867	1,570
2011	539	902	1,681
2012	498	862	1,434

Times from injury to order have declined substantially since 1987, in large part due to the change in the mix of issues. Whole-claim denial is generally the first possible issue in a claim and hearings the first level of appeal.

Notes: Data are for all order types except Court of Appeals dismissals. The 2012 court lag of 1,434 days equates to nearly four years.

Disputed claim settlements at hearing and board review, 1987-2012

Year	Hearing		Board	
	DCS cases	Amount (\$ millions)	DCS orders	Amount (\$ millions)
1987	3,778	\$18.2	N/A	N/A
1988	4,139	21.6	N/A	N/A
1989	4,365	22.5	N/A	N/A
1990	5,374	29.1	N/A	N/A
1991	6,021	32.6	N/A	N/A
1992	4,942	25.7	64	\$0.980
1993	4,700	24.8	84	1.166
1994	4,100	20.8	64	0.778
1995	4,455	22.2	52	0.521
1996	4,001	19.1	55	0.608
1997	3,846	19.0	49	0.622
1998	3,921	20.3	35	0.374
1999	3,721	19.6	40	0.398
2000	4,019	22.8	55	0.706
2001	3,899	21.2	68	0.854
2002	3,931	23.1	68	0.860
2003	3,703	22.1	71	0.898
2004	3,219	20.7	62	1.065
2005	3,401	22.6	60	0.822
2006	3,176	22.5	45	0.735
2007	3,276	24.0	48	0.787
2008	3,325	26.4	54	1.395
2009	3,614	31.2	38	0.795
2010	3,349	32.8	45	1.131
2011	3,307	31.4	44	0.927
2012	3,218	29.1	35	0.844

The number of DCSs at hearing has dropped significantly since the peak in 1991, but their relative significance has risen. Between 1987 and 2011, DCSs grew from 16 percent to 43 percent of all hearing orders and from 26 percent to 76 percent of all settlements.

Total hearings DCS proceeds exceeded the 1991 peak for the first time in 2010.

Note: Since 2000, the board figures include DCSs approved after a remand or dismissal by the Court of Appeals.

Claim disposition agreements, 1990-2012

Year	CDAs approved	Total amount (\$ millions)
1990	362	\$6.9
1991	2,840	45.6
1992	3,229	47.0
1993	3,304	42.5
1994	3,260	41.8
1995	3,929	48.6
1996	3,564	45.0
1997	3,268	44.3
1998	3,074	37.7
1999	3,073	39.7
2000	3,144	39.9
2001	3,143	39.3
2002	3,207	44.9
2003	3,040	41.2
2004	2,869	43.8
2005	2,923	43.7
2006	2,954	52.2
2007	3,050	52.5
2008	3,182	62.6
2009	3,446	64.6
2010	3,304	65.7
2011	3,180	66.2
2012	2,956	58.5

SB 1197 authorized claim disposition agreements in 1990. In 2004, 2,869 CDAs were approved, the fewest since 1991. Since that time, the number of CDAs approved and total dollar amounts have risen. A record \$66.2 million was paid in CDAs in 2011.

Total amounts include claimant attorney fees.

Claimant attorney fees and defense legal costs, 1987-2012

Year	Claimant attorney fees (\$ millions)	Defense legal costs (\$ millions)
1987	\$14.4	N/A
1988	16.3	N/A
1989	16.6	\$23.4
1990	17.8	26.1
1991	21.4	27.0
1992	21.4	28.2
1993	19.8	27.2
1994	18.9	25.7
1995	19.9	27.4
1996	17.5	25.3
1997	16.0	24.3
1998	16.1	24.2
1999	15.8	24.2
2000	16.7	23.9
2001	16.1	25.7
2002	17.2	25.3
2003	17.1	27.1
----->Series break #1		
2004	17.7	27.7
2005	18.4	29.4
2006	19.0	29.7
----->Series break #2		
2007	19.3	30.2
2008	21.1	32.4
2009	22.3	37.9
2010	22.6	38.3
2011	21.4	36.2
2012	19.7	36.0

Claimant attorney fees peaked in 1991 and 1992 at about 49 percent above 1987 fees; they didn't reach that level again until 2009.

Defense legal costs peaked in 1992 and were rising again after 2002, reaching the highest level on record in 2010.

Both claimant fees and defense costs declined in 2012.

Defense legal costs differ from claimant attorney fees in several ways: they are the actual amounts paid rather than the amounts in rule; they are not reversible on appeal; and there may be fees paid to multiple attorneys on a single dispute.

Information about series breaks:

Break #1. Beginning with 2004, data on fees at the Court of Appeals and in department medical service and vocational assistance disputes were available. For 2004-2006, these added fees were 1.5 percent to 1.9 percent of the total.

Break #2. For 2007, data on fees for WCD contested cases at hearing and Board Own Motion were available. Added fees in 2007 were 0.4 percent of total fees. Own motion fees are estimated.

Claimant attorney fees, 1987-2012

Year	Hearings (\$ thousands)	Board (\$ thousands)	CDA (\$ thousands)	Reconsideration (\$ thousands)
1987	\$14,187	\$226	-	-
1988	15,967	335	-	-
1989	15,953	656	-	-
1990	15,902	1,007	\$900	\$1
1991	13,796	905	6,429	277
1992	12,505	1,067	7,096	727
1993	11,145	1,165	6,658	858
1994	10,400	1,140	6,511	835
1995	10,859	826	7,315	880
1996	9,100	857	6,677	819
1997	8,518	753	5,999	675
1998	8,863	802	5,664	757
1999	8,537	612	5,908	756
2000	9,128	693	6,118	776
2001	8,540	612	6,115	826
2002	8,914	626	6,880	771
2003	8,989	721	6,540	810
----->Series break #1				
2004	8,886	790	6,787	893
2005	9,490	762	6,784	976
2006	9,681	757	7,294	938
----->Series break #2				
2007	9,647	746	7,692	814
2008	10,139	951	8,856	707
2009	11,295	778	9,129	670
2010	11,603	980	9,008	576
2011	10,382	900	9,200	494
2012	10,007	860	7,964	474

SB 369 in 1995 limited attorney fees in responsibility disputes, prohibited hearing-awarded fees for issues before the director, and limited fees for reversal of denials before hearing.

In early 1999, the board increased the maximum amount of fees that may be awarded out of increased disability awards, disputed claim settlements, and claim disposition agreements.

SB 620 in 2003 changed penalty fees from one-half of the penalty to fees proportional to the benefit. The maximum fee is \$3,000.

HB 3345 increased maximum fees in responsibility and penalty disputes, as well as providing for fees in a few additional areas.

In 2012, 41 percent of all claimant attorney fees came from CDAs.

For information about series breaks, see comments in previous table.

Claimant attorney fees from lump-sum settlements, 1989-2012

Year	Hearing DCS (\$ thousands)	Board DCS (\$ thousands)	Lump sum (\$ thousands)	Lump sum percentage
1989	\$4,049	\$98	\$4,147	25.0%
1990	5,222	151	6,273	32.5%
1991	6,107	136	12,672	59.2%
1992	4,978	164	12,238	57.2%
1993	4,708	222	11,588	58.4%
1994	4,105	143	10,759	57.0%
1995	4,376	106	11,797	59.3%
1996	3,787	129	10,593	60.7%
1997	3,629	121	9,749	61.1%
1998	3,954	57	9,675	60.1%
1999	3,787	67	9,762	61.7%
2000	4,338	168	10,624	63.6%
2001	4,145	149	10,409	64.7%
2002	4,407	170	11,457	66.6%
2003	4,318	196	11,054	64.8%
2004	3,910	200	10,897	61.6%
2005	4,316	178	11,278	61.5%
2006	4,270	146	11,710	61.7%
2007	4,528	152	12,373	64.1%
2008	4,847	226	13,966	66.3%
2009	5,508	150	14,873	66.8%
2010	5,830	178	15,016	66.6%
2011	5,490	194	14,884	69.7%
2012	5,157	162	13,283	67.5%

Lump-sum attorney fees are from claim disposition agreements and disputed claim settlements. (CDA attorney fees are shown in the previous table.) Lump-sum fees increased from 25 percent of all attorney fees in 1989 (before CDAs) to 66 percent in 2002, a level reached again in 2008. In 2011 lump-sum fees were almost 70 percent of all claimant attorney fees. That number declined somewhat in 2012 but was still the second-highest recorded.

In 1989, DCSs accounted for 26 percent of all hearing fees. This percentage peaked in 2002 at 50 percent; it reached 50 percent again in 2010, and a record-high 53 percent in 2011.

Note: The 1989-1991 board DCS figures are estimates.

Maximum out-of-compensation attorney fees

Hearings	Prior to 2/1999	2/1999 - present
PTD	\$4,600	\$12,500
PPD	2,800	4,600
Time loss	1,050	1,500
DCSs	25% of the first \$12,500, 10% of the remainder	25% of the first \$17,500, 10% of the remainder
Board	1/1988 to 2/1999	2/1999 to present
PTD	\$6,000	\$16,300
PPD	3,800	6,000
Time loss	3,800	5,000
CDAs	25% of the first \$12,500, 10% of the remainder	25% of the first \$17,500, 10% of the remainder

PTD is permanent total disability. PPD is permanent partial disability. DCS is disputed claim settlement. CDA is claim disposition agreement.

For PTD, PPD, and time loss, attorney fees allowed are 25 percent of increased compensation award, subject to these limitations. Fees may exceed these limitations in extraordinary circumstances.