

MEMO

TO: All Clients In the Young Case

FROM: John Hoag

RE: Attorney Fees

Recently, many of you have had questions about the effect of Judge Lipscomb's Order setting attorney's fees. When Judge Lipscomb issued his Order, he explained that the attorney's fees were to be 25% in any case where the initial Plaintiff claim was not immediately accepted by the State. In those cases where the initial claim was accepted, the only discovery that our office would get would be a notice that the claim for number of hours that a Plaintiff made was accepted. There should have been little work to do on that claim. The fee for those claims was set at 15%.

During the processing of claims that went through 2001 and 2002, probably 80% of the claims that were made in this case were not immediately accepted, but contested by the State. Most Plaintiffs were confused by the complicated claim questionnaire that had to be filled out. That claim questionnaire was mainly designed by the State. In my opinion, the State made it confusing so that persons would not fill it out and make a claim in the case.

This year a number of clients have asked that since the new claim calculations are not contested shouldn't the fees be 15%? The answer is no. The actions of the State in 2001 and 2002 established the attorney fee amount. This can only be increased by either having a Plaintiff die and our dealing with an estate, or by our having to track down and find a Plaintiff who failed to keep us informed of an address change.

I hope this answers most of your questions. For almost all of you, the attorney fees set in this case are 25%. This is because of the work I've had to do on each of your files and on the case as a whole. In Oregon the usual contingency fee is 33% before trial, 40% at trial and 50% after an appeal. This case is now on appeal for the third time. There's been 9 years of work on it so far, with 2 or 3 years more to go.