

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
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March 2, 2022

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Compensation Rate for Outside Counsel

Dear Victoria:

Over the years the Patterson Law Firm has been retained in workers' compensation cases when a state employee has filed a claim against the State of Iowa as well as the Second Injury Fund. Because the resolution of these claims may result in the State of Iowa or the Second Injury Fund to pay workers' compensation benefits, our office cannot represent both defendants. To avoid a conflict of interest the Executive Council has approved retention of the Patterson Law Firm to represent one of the defendants – generally, the Second Injury Fund. For some time, the Executive Council has paid \$140 per hour to compensate outside counsel in these cases. In 2018, the amount was raised to \$140 per hour for partners. No raise in the hourly rate has been requested since October 2018.

The Patterson Law Firm is now requesting that the hourly rate be increased for currently active and future cases from \$140 to \$160 per hour for partners. Raises for other personnel at the firm would be \$140 per hour for an associate, \$90 per hour for a paralegal and \$70 per hour for a law clerk; effective March 1, 2022. We currently have ten (10) cases that would need to reflect the increase in fees, they list as follows:

- *Richard Adrian v. University of Iowa*
- *Robert Allen v. University of Iowa Hospitals & Clinics*
- *Debra J Breckenridge, Iowa Judicial Branch*
- *Michele Franz v. Woodward Resource Center*
- *Cyril Irvine v. Anamosa State Penitentiary*
- *Debra Oelrich v University of Iowa Hospitals & Clinics*
- *Larry Opal v. Clarinda Correctional Facility*
- *Mark Ostring v. Woodward Resource Center*
- *Bryson Powell v. Glenwood Resource Center*
- *Geoffrey Ray Wellman v. Iowa State Penitentiary*

I submit this information for your consideration and recommend the Executive Counsel raise the compensation rate for outside counsel in workers' compensation cases.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff S. Thompson", with a long horizontal flourish extending to the right.

JEFFREY S. THOMPSON
Solicitor General