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ATTORNEY'S FEES:

Oliver v. Dunn and City of Saint Petersburg,
37 Fla. L. Weekly D12489, (Fla. 1st DCA October 24, 2012).

The claimant's attorney secured PTD benefits for the claimant. Approximately eight months later, the claimant terminated her attorney and hired new counsel. Former counsel then filed for a claimant paid attorney's fee for securing the PTD benefits.

The JCC found that the claimant's former counsel was not entitled to a fee for PTD benefits received by the claimant, subsequent to the date she was terminated as counsel. In support, the JCC stated that some continuing responsibility must exist through the attorney/client relationship in order for continuing fees to be paid.

The 1st DCA reasoned that claimant's paid attorney's fees are based on the value of benefits that the attorney secured. In this case, former counsel secured the claimant's entitlement to the "full compliment of PTD benefits." The Court found that,

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even though the claimant's PTD benefits are to be paid in installments over the foreseeable future, because the total value of the claimant's PTD benefits is reasonably predictable, the fee is calculable now. Because former counsel, while still employed by the claimant, secured the entirety of past and future PTD benefits, she is entitled to a fee based on the value of the total benefits secured.

The 1st DCA affirmed the JCC's order to the extent it found that former counsel secured PTD benefits, but reversed to the extent it found she was not entitled to a fee after her termination date.

JEF/dbd