



**KENTUCKY LABOR CABINET**  
**Department of Workers' Claims**

Mayo-Underwood Building  
500 Mero Street, 3<sup>rd</sup> Floor  
Frankfort, KY 40601  
Telephone: (502) 564-5550

**Andy Beshear**  
Governor

**Jacqueline Coleman**  
Lieutenant Governor

**Larry L. Roberts**  
Secretary

**Robert L. Swisher**  
Commissioner

**MEMORANDUM**

**TO:** LMS registered users

**FROM:** Robert L. Swisher, Commissioner

**DATE:** September 14, 2020

**RE:** Attorney's fees approval

LMS filers are reminded that all attorney's fees shall be subject to approval by an administrative law judge and that no attorney's fees shall be paid in any case involving benefits under KRS Chapter 342 until approved by an administrative law judge. It has come to the Department's attention that some defense counsel are not routinely filing motions for approval of attorney's fees. While an employer's attorney's fees may be paid on a periodic basis while a claim is adjudicated, those fees must be approved once the claims resolution process is complete. Further, 803 KAR 25:010 Section 6 provides that motions for allowance of attorney's fees (for both plaintiff and defense counsel) shall be filed within 30 days following the finality of an award or settlement. Thus, the timely filing of motions for approval of attorney's fees is mandatory.

As an accommodation to the workers' compensation bar, the Department is extending to all practitioners a one-time opportunity to file motions for approval of attorney's fees in claims in which the 30-day post-finality deadline has passed. In order to file such motions, an email containing a list of all claims involved must be sent to [norah.higgins@ky.gov](mailto:norah.higgins@ky.gov). Those claims will be reactivated in LMS and new access codes will be communicated to the

attorney involved. **The time to file such motions shall expire at the close of business on October 15, 2020. After that date, no late-filed motions for approval of attorney's fees will be approved.**

Thank you for taking the corrective measures to address this issue.