

RULE 18.

SETTLEMENT AGREEMENTS

A. Parties with Legal Representation

1. A settlement agreement submitted to the Commission pursuant to Idaho Code § 72-404 shall be on 8.5" x 11" white paper and shall identify the attorney who prepared it, and the claim number(s) for the claim(s) being settled. The settlement agreement shall set forth the terms of the settlement, affirm that claimant is neither a minor child nor legally incompetent and be signed by the parties to the settlement and their attorneys. A ledger of benefits paid and benefits claimed but denied/disputed shall be attached as Exhibit A to the settlement agreement and shall be in the form, and contain the information, set forth in Appendix 5A hereto. The parties shall also provide a proposed order of dismissal with prejudice for signature by the Commission. The settlement agreement and required exhibits shall be submitted to the Commission in PDF (*.pdf) format as attachments to an email delivered to settlements@iic.idaho.gov. In their email submission, the parties shall specify whether the settlement contains proration or offset provisions, the calculation of which depend on Commission approval of the attorney charging lien. Except as qualified in A(2), *infra*, the date on which that email is received by the Commission shall be the date of filing of the settlement agreement.
2. Settlement agreements which do not comply with the provisions of the preceding subsection will be rejected and deemed not filed. Further, a settlement which contains proration or offset provisions, the calculation of which depend on Commission approval of the attorney charging lien, cannot be deemed filed until the Commission has issued a final order approving costs and fees in accordance with subsection A(7), *infra*, and the settlement has been revised, if necessary, to include proration calculations based on approved fees and costs.
3. The Commission shall acknowledge receipt of settlements by email, and shall also provide email notification of the rejection or non-filing of a settlement, and the reasons therefor.
4. A settlement agreement meeting the above requirements shall constitute a final decision of the Commission under Idaho Code § 72-718, effective the date of filing.
5. Within seven (7) days following the filing of a settlement agreement, the Commission shall dismiss the claim(s) with prejudice, subject to the terms of the settlement.
6. In the alternative, any represented party may request Commission review and approval of a proposed settlement agreement. Such request shall be made contemporaneous with the submission of a settlement agreement to the Commission, and shall be accompanied by such additional documents or explanation as the requesting party desires the

Commission to consider in connection with the proposed settlement. At the request of a party or the Commission, a hearing may be held on the proposed settlement. Hearings will be held on Thursdays between 1:00 and 2:00 pm (MST), unless otherwise ordered by the Commission. Hearings will be telephonic unless otherwise ordered by the Commission.

7. Contemporaneous with the filing of a settlement, an attorney who asserts a fee and/or costs against the proceeds of a settlement shall file the attorney's charging lien in the form, and containing the information, set forth in Appendix 5B hereto. Counsel shall also prepare for Commission signature a proposed order approving claimed fees and costs. The charging lien and proposed order of approval shall be filed by attaching it as a PDF (*.pdf) file to an email delivered to settlements@jic.idaho.gov. Claimed fees/costs shall be retained in Counsel's IOLTA account pending the Commission's approval of the charging lien. Within seven (7) days following the filing of the charging lien or submission of the settlement, whichever is later, the Commission shall act on the request for approval of costs and fees. The Commission may enter an order approving the charging lien, in whole or in part. If all or part of the request is not approved, the Commission shall notify counsel in writing and give the reasons for the denial. The procedure outlined at IDAPA 17.01.01.802.04 shall be utilized to resolve disputes over fees that have been initially denied by the Commission. Except as set forth in A(2), supra, a dispute over attorney fees shall not delay the effective date of a settlement.

B. Parties without Legal Representation and Other Special Circumstances

1. Where at least one party to a settlement agreement is not represented by counsel, and in all cases involving a minor child or legally incompetent claimant, the proposed settlement agreement submitted to the Commission pursuant to Idaho Code § 72-404 shall be on 8.5" x 11" white paper and shall identify the attorney who prepared it. The settlement agreement shall set forth the terms of the settlement, and shall be signed by the parties to the settlement agreement and their attorneys, if represented. A ledger of benefits paid, and benefits claimed but denied/disputed, shall be attached as Exhibit A to the settlement agreement and shall be in the form, and contain the information, set forth in Appendix 5A hereto. The settlement agreement shall also be accompanied by such supporting documents as the parties would have the Commission consider in evaluating whether the settlement is in the best interest of the parties. The settlement agreement and attached exhibits/documents shall be delivered to the Commission in PDF (*.pdf) format, as attachments to an email delivered to settlements@jic.idaho.gov. Such settlements shall be approved only if the Commission is satisfied that the settlement is in the best interest of the parties.
2. On its own motion the Commission may hold a hearing on the question of whether the proposed settlement is in the best interest of the parties. Hearings will be held pursuant to this rule on Thursdays between 1:00 and 2:00 pm (MST), unless otherwise ordered

- by the Commission. Hearings on settlement agreements will be telephonic unless otherwise ordered by the Commission. No later than ten (10) days prior to the date of hearing, the Commission shall provide the parties with written notice of the hearing, to include a list of the issues of concern to the Commission in connection with its assessment of whether the settlement is in the best interest of the parties.
3. Regardless of whether a hearing is held, should the Commission determine that the proposed settlement agreement is not in the best interest of the parties, the Commission shall issue a written decision explaining its refusal to approve the settlement, to include findings of fact, conclusions of law and the Commission's order. Such decision and order may be immediately appealed to the Idaho Supreme Court on the question of whether the Commission abused its discretion in declining to approve the settlement.
 4. The procedures outlined in A(7), above, relating to attorney charging liens, shall apply to attorneys who represent minor or incompetent claimants.

***Comments:** Except as may be necessary to calculate Social Security, or similar offset, the settlement agreement should not refer to, or contain deductions for, costs or attorney fees claimed by counsel. Costs and fees claimed by claimant's counsel are separately addressed in the charging lien. An attorney seeking a fee from the proceeds of settlement must file a charging lien.*