



Bruce D. Skaug
Bruce@SkaugLaw.com
Licensed in Idaho, Oregon & Montana

Jon Brent Gunnell
Brent@SkaugLaw.com
Licensed in Idaho, Oregon & Arizona

Todd M. Joyner
Todd@SkaugLaw.com
Licensed in Idaho

Matthew C. Andrew
Matt@SkaugLaw.com
Licensed in Idaho

Nathan T. Gamel
Nathan@SkaugLaw.com
Licensed in Idaho & Oregon

July 24, 2018

Industrial Commission
PO Box 83720
Boise, ID 83720-0041
ATTN: COMMISSIONERS

RE: MSA Attorneys' Fees

Dear Commissioners:

Thank you for holding the negotiated rulemaking meeting on Tuesday morning regarding attorney fees on Medicare Set Aside lump sum settlements. I appreciate the complexity of the issues, rules, and system. It is good that you bring this to the attention of our community to look to find solutions.

As was discussed in the meeting, I am in support of Mr. Monroe's suggestion to not implement a formal rule regarding MSAs and attorney fees. The parties through their attorneys and adjusters are able to negotiate settlement with an MSA more succinctly if the Commission's guidance is that any lump sum agreement will likely be rejected if the MSA is not fully funded. In my view, that is within the Commission's discretion to approve settlements of cases.

I think that by communicating this guidance, you will provide to the parties the predictability necessary to plan and negotiate these MSAs while protecting the interests of Claimants and Medicare.

Should you have any questions, I encourage you to reach out to me or the other Claimant attorneys that were present during the meeting.

I look forward to working with the Commission more on this matter.

Sincerely yours,

Matt Andrew

1226 E. Karcher Road, Nampa, Idaho 83687
(208) 466-0030 (800) 944-1210 (208) 466-8903 (Fax)