

Factors to be Applied in Resolving Attorneys' Liens Disputes

On January 7, 2019, Magistrate Judge Strawbridge issued a [Report and Recommendation](#) with these five factors to analyze a lawyer's performance under a contingency fee contract and resolve Attorneys' Liens Disputes:

- 1. Reasonableness of the Contingency Fee Contract at the Time It Was Signed:**
Examines challenges the lawyer faced in representing the Settlement Class Member based on whether the work was performed before individual cases were consolidated into multi-district litigation ("MDL"), during the MDL, or after the Settlement Agreement.
- 2. Reasonableness of the Contingency Fee Contract at the Time the Lienholder Seeks Enforcement:** Considers whether anything happened after the contract was signed that changed the legal work that had to be performed and made the terms of the contract unreasonable.
- 3. Results Obtained by the Lawyer:** Eligibility for a Monetary Award or Derivative Claimant Award and the value of such Award.
- 4. Quality of Representation:** Analyzes whether the lawyer's work was necessary or justified.
- 5. Substantiality of the Work:** Determines the degree to which the lawyer's work contributed to the Award and whether the lawyer supported the Settlement Class Member by doing such things as:
 - (a) Obtaining medical records and a diagnosis at the earliest possible date;
 - (b) Preserving evidence and testimony in case there was a trial;
 - (c) Advising on collateral litigation, such as workers' compensation cases;
 - (d) Helping the Settlement Class Member understand the settlement negotiations and deciding whether to opt out;
 - (e) Guiding the Settlement Class Member through the claims process;
 - (f) Helping a Settlement Class Member who was exposed to predatory practices when seeking loans; and
 - (g) Providing support in other personal matters collaterally related to this litigation, such as divorce proceedings and disability applications.

We posted this Report and Recommendation on the [Other Court Filings](#) page of the Settlement Website.

Judge Brody will review the Report and Recommendation and issue a final decision accepting, rejecting, or modifying its findings.