



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
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Governor

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HAROLD J WIRTHS
Commissioner

MEMORANDUM

September 29, 2011

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge

Subject: Counsel Fees on Motions for Medical and Temporary Disability Benefits

In order to expeditiously conclude successful Motions for Medical and Temporary Disability Benefits where counsel fees had been reserved, counsel fees to petitioner's attorney should ordinarily be paid when active treatment pursuant to the motion has been completed. There is no need in such cases to delay the payment of counsel fees until the conclusion of other issues in the case.

In such situations, it is suggested that petitioner's attorney by letter inform the assigned judge and respondent's counsel and where applicable the Uninsured Employer's Fund that the attorney is requesting a determination and payment of counsel fees pursuant to the motion. Respondent must then expeditiously provide an accounting of the medical treatment and temporary disability benefits that were paid or expended pursuant to the motion order. The case should be listed by the judge to set the counsel fee and issue the appropriate counsel fee order.

This memorandum will be retained as Division policy.

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