

PART XI
ATTORNEY FEES

A. BOARD REVIEW OF ATTORNEY FEE AWARDS MADE BELOW

9. LIABILITY FOR ATTORNEY FEES

(d) Escrow Accounts

Regardless of who is ultimately liable for the payment of attorney fees, the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §928(e), provides a criminal penalty for receipt of a fee by counsel prior to approval of the fee by the appropriate official or tribunal. Funds received from a client prior to approval of the fee, however, may be placed in an escrow account until final approval; this does not constitute receipt of the fee. ***Cavote v. Director, OWCP***, 2 BLR 1-1052 (1980). In addition, placing client's funds in escrow accounts until their legal matters are settled is sanctioned by the American Bar Association's *Code of Professional Ethics*. See ***Canon 9 EC 905, Disciplinary Rule DR 9-102; Atchison v. Director, OWCP***, 2 BLR 1-699 (1979).

CASE LISTINGS

DIGESTS