

**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**