

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 466

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to attorney fees in workmen's compen-
7 sation and malpractice actions."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding a new section to read:

10 Sec. 09.55.555. ATTORNEY FEES. A court award of attorney fees in
11 actions under secs. 530 - 555 of this chapter is subject to the fee
12 limitation provision of AS 23.30.145(a).

13 * Sec. 2. AS 23.30.015(e)(1)(A) is amended to read:

14 (A) the expenses incurred by him in respect to the
15 action or compromise, including a reasonable attorney fee deter-
16 mined by the board, subject to the fee limitation provision in
17 sec. 145(a) of this chapter;

18 * Sec. 3. AS 23.30.145 is amended to read:

19 Sec. 23.30.145. ATTORNEY FEES. (a) The board may determine and
20 allow reasonable attorney fees, which may not exceed \$2,500 to be paid
21 in addition to the amount of the compensation, to the attorney repre-
22 senting the applicant. It is unlawful for the attorney to ask for,
23 contract for, charge, demand, collect or receive a larger sum than the
24 amount allowed by the board in addition to the award. An attorney who
25 violates this section shall forfeit the fee awarded and shall repay the
26 state the fee awarded under this section. [FEES FOR LEGAL SERVICES
27 RENDERED IN RESPECT TO A CLAIM ARE NOT VALID UNLESS APPROVED BY THE
28 BOARD, AND THE FEES MAY NOT BE LESS THAN 25 PER CENT ON THE FIRST \$1,000
29 OF COMPENSATION OR PART OF THE FIRST \$1,000 OF COMPENSATION, AND 10 PER

1 CENT OF ALL SUMS IN EXCESS OF \$1,000 OF COMPENSATION.] When the board
2 advises that a claim has been controverted, in whole or in part, the
3 board may direct that the fees for legal services be paid by the employer
4 or carrier in addition to compensation awarded; the fees may be allowed
5 only on the amount of compensation controverted and awarded. When the
6 board advises that a claim has not been controverted, but further advises
7 that bona fide legal services have been rendered in respect to the claim,
8 then the board shall direct the payment of the fees out of the compensa-
9 tion awarded. In determining the amount of fees the board shall take
10 into consideration the nature, length and complexity of the services
11 performed, transportation charges, and the benefits resulting from the
12 services to the compensation beneficiaries.

13 (b) If an employer fails to file timely notice of controversy or
14 fails to pay compensation or medical and related benefits within 15 days
15 after it becomes due or otherwise resists the payment of compensation
16 or medical and related benefits and if the claimant has employed an
17 attorney in the successful prosecution of his claim, the board shall
18 make an award to reimburse the claimant for his costs in the proceedings,
19 including a reasonable attorney fee, subject to the fee limitation
20 specified in (a) of this section. The award is in addition to the com-
21 pensation or medical and related benefits ordered.

22 (c) If proceedings are had for review of a compensation or medical
23 and related benefits order before a court, the court may allow or
24 increase an attorney's fees, subject to the fee limitation specified in
25 (a) of this section. The fees are in addition to compensation or
26 medical and related benefits ordered and shall be paid as the court may
27 direct.
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