

HOUSE BILL NO. HB0169

Workers compensation-limiting state funded appeals.

Sponsored by: Representative(s) Loucks, Barlow, Clem,
Hallinan and Sweeney

A BILL

for

1 AN ACT relating to labor and employment; authorizing
2 payment from the worker's compensation account of a
3 worker's compensation claimant's attorney's fees and costs
4 in a district or supreme court appeal only if the claimant
5 prevails; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 27-14-608(a), 27-14-612, 27-14-613
10 and 27-14-615 are amended to read:

11

12 **27-14-608. Attorney fees; penalty for violation.**

13

14 (a) If the hearing examiner under W.S. 27-14-602(d)
15 or the district court or supreme court under W.S. 27-14-615

1 set a fee for any person for representing a claimant under
2 this act excluding a health care provider, the person shall
3 not receive any additional fee from the claimant. Nothing
4 in this subsection shall require the fee set for any person
5 for representing the claimant in the district court or
6 supreme court to be paid from the worker's compensation
7 account if judgment in the district court or supreme court
8 is against the claimant.

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10 **27-14-612. Appeal by employee; costs.**

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12 If an appeal to the district court is prosecuted on behalf
13 of the employee, the employee or attorney representing the
14 employee shall order a record of the proceedings at the
15 hearing to be supplied by the hearing examiner. ~~without~~
16 ~~cost to the employee.~~ An electronic recording of the
17 proceedings may serve as the official transcript but upon
18 appeal, the district court may request a written transcript
19 of the proceedings or any portion of the proceedings. The
20 employee or attorney shall also order the papers on file
21 with the division to be prepared, transcribed, certified
22 and forwarded to the district court. ~~without cost to the~~
23 ~~employee.~~ Docket fees in the district court and supreme

1 court, recordings and transcripts of administrative hearing
2 proceedings, and copies of papers on file with the division
3 shall be initially paid for ~~directly out of the worker's~~
4 ~~compensation account~~ by the appealing party and then
5 recovered from the nonprevailing party except such costs as
6 the court in its discretion shall assess against any of the
7 parties.

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9 **27-14-613. Appeal by employer; stay of award.**

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11 If an appeal is prosecuted on behalf of the employer, the
12 record of the proceedings at the original hearing shall be
13 supplied. ~~without cost to the employer.~~ An electronic
14 recording of the proceedings may serve as the official
15 transcript but upon appeal, the district court may request
16 a written transcript of the proceedings or any portion of
17 the proceedings. The employer may employ counsel to conduct
18 the appeal on his behalf. Upon request and on appeal by an
19 employer or the division from an order of award, the
20 hearing examiner may stay the payment of the award or that
21 portion appealed from upon any terms as the hearing
22 examiner deems proper. Docket fees in the district court
23 and supreme court, recordings and transcripts of

1 administrative hearing proceedings, and copies of papers on
2 file with the division shall be initially paid for by the
3 appealing party and then recovered from the nonprevailing
4 party except such costs as the court in its discretion
5 shall assess against any of the parties.

6
7 **27-14-615. Appointment of attorneys for court**
8 **proceedings; fees.**

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10 The district court may appoint an attorney to represent the
11 employee during proceedings in the district court and
12 appeal to the supreme court. The district court may allow
13 the attorney a reasonable fee for ~~his~~the attorney's
14 services at the conclusion of the proceedings in district
15 court and the supreme court may allow for reasonable fees
16 for services at the conclusion of the proceedings in the
17 supreme court. A prevailing employee's attorney fees shall
18 be paid according to the order of the district court or
19 supreme court from the worker's compensation account. In
20 any appeal where the issue is the compensability of an
21 injury, a prevailing employer's attorney fees shall also be
22 paid according to the order of the district court or
23 supreme court from the worker's compensation account, not

1 to affect the employer's experience rating. An award of
2 attorney's fees shall be for a reasonable number of hours
3 and shall not exceed the benefits at issue in the appeal.
4 In all other cases, if the employer or division prevails in
5 the district court or supreme court, as the case may be,
6 the fees allowed an employee's attorney shall not be paid
7 from the worker's compensation account and shall not affect
8 the employer's experience rating.

9

10 **Section 2.** This act is effective July 1, 2018.

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(END)