

HOUSE BILL NO. HB0269

Workers compensation-attorneys' expenses and costs.

Sponsored by: Representative(s) Nicholas

A BILL

for

1 AN ACT relating to labor and employment; authorizing
 2 hearing examiners to award appointed attorneys
 3 reimbursement for expenses and costs in contested workers
 4 compensation cases as specified; removing the requirement
 5 that attorneys only be reimbursed for a reasonable number
 6 of hours not to exceed the benefits at issue in the
 7 contested case hearing; and providing for an effective
 8 date.

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

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12 **Section 1.** W.S. 27-14-602(d) is amended to read:

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14 **27-14-602. Contested cases generally.**

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1 (d) Upon request, the hearing examiner may appoint an
2 attorney to represent the employee or claimants and may
3 allow the appointed attorney a reasonable fee and
4 reimbursement for expenses, expert witness fees and costs
5 reasonably incurred for his services at the conclusion of
6 the proceeding. An appointed attorney shall be paid
7 according to the order of the hearing examiner either from
8 the worker's compensation account, from amounts awarded to
9 the employee or claimants or from the employer. In any
10 contested case where the issue is the compensability of an
11 injury, a prevailing employer's attorney fees shall also be
12 paid according to the order of the hearing examiner from
13 the worker's compensation account, not to affect the
14 employer's experience rating. ~~An award of attorney's fees~~
15 ~~shall be for a reasonable number of hours and shall not~~
16 ~~exceed the benefits at issue in the contested case hearing.~~
17 In all other cases if the employer or division prevails,
18 the attorney's fees allowed an employee's attorney shall
19 not affect the employer's experience rating. Attorney fees
20 allowed shall be at an hourly rate established by the
21 director of the office of administrative hearings and any
22 application for attorney's fees, expenses, expert witness
23 fees and costs reasonably incurred shall be supported by a

1 verified itemization of all services provided. No fee or
2 expense, expert witness fee and cost reimbursement shall be
3 awarded in any case in which the hearing examiner
4 determines the claim or objection to be frivolous and
5 without legal or factual justification. If the division or
6 a hearing examiner determines that an injured worker's
7 failure to meet any procedural deadline in this act is
8 through the fault of the worker's attorney, the division
9 shall reconsider its determination or a hearing examiner
10 shall order the contested case returned to the division for
11 redetermination of the contested issues as provided in W.S.
12 27-14-601(k).

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14 **Section 2.** This act is effective July 1, 2023.

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(END)