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HOUSE BILL 1352

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Cole, Tokuda, Conway, Romero and Costa

Read first time 01/23/95. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to payment of litigation costs of injured workers;  
2 and amending RCW 51.52.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 51.52.120 and 1990 c 15 s 1 are each amended to read  
5 as follows:

6            (1) It shall be unlawful for an attorney engaged in the  
7 representation of any worker or beneficiary to charge for services in  
8 the department any fee in excess of a reasonable fee, of not more than  
9 thirty percent of the increase in the award secured by the attorney's  
10 services. Such reasonable fee shall be fixed by the director or the  
11 director's designee for services performed by an attorney for such  
12 worker or beneficiary, if written application therefor is made by the  
13 attorney, worker, or beneficiary within one year from the date the  
14 final decision and order of the department is communicated to the party  
15 making the application.

16            (2) If, on appeal to the board, the order, decision, or award of  
17 the department is reversed or modified and additional relief is granted  
18 to a worker or beneficiary, or in cases where a party other than the  
19 worker or beneficiary is the appealing party and the worker's or

1 beneficiary's right to relief is sustained by the board, the board  
2 shall fix a reasonable fee for the services of his or her attorney in  
3 proceedings before the board if written application therefor is made by  
4 the attorney, worker, or beneficiary within one year from the date the  
5 final decision and order of the board is communicated to the party  
6 making the application. In fixing the amount of such attorney's fee,  
7 the board shall take into consideration the fee allowed, if any, by the  
8 director, for services before the department, and the board may review  
9 the fee fixed by (~~said~~) the director. Any attorney's fee set by the  
10 department or the board may be reviewed by the superior court upon  
11 application of such attorney, worker, or beneficiary. The department  
12 or self-insured employer, as the case may be, shall be served a copy of  
13 the application and shall be entitled to appear and take part in the  
14 proceedings. Where the board, pursuant to this section, fixes the  
15 attorney's fee, it shall be unlawful for an attorney to charge or  
16 receive any fee for services before the board in excess of that fee  
17 fixed by the board.

18 (3) Any person who violates any provision of subsection (1) or (2)  
19 of this section shall be guilty of a misdemeanor.

20 (4) If on appeal to the board by a worker or beneficiary, the  
21 department's order is reversed or modified and the accident fund or  
22 medical aid fund is affected by the litigation, or if, on appeal to the  
23 board by the employer, the worker or beneficiary's right to relief is  
24 sustained, the attorney's fee fixed by the board for services before  
25 the board only, the fees of medical and other witnesses, and the costs  
26 shall be payable out of the administrative fund of the department. In  
27 the case of self-insured employers, the attorney's fee fixed by the  
28 board, for services before the board only, and the fees of medical and  
29 other witnesses, and the costs shall be payable directly by the self-  
30 insured employer.

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