

TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL
COMMISSION
CHAPTER 5
INDUSTRIAL COMMISSION

~~72-528. STATISTICAL INFORMATION REQUIRED. (1) Statistical information now provided to the industrial commission is inadequate and incomplete, making it impossible to compute the total cost of the workmen's compensation system, both to employers and the people of the state of Idaho.~~

(21) In addition to all information that sureties, self-insurers, the state insurance fund, the industrial special indemnity fund and noninsured employers now supply to the industrial commission, they shall, upon request of the commission, be required to report to the industrial commission all litigation expenses paid by them in any case litigated before the industrial commission, and if appealed to a higher court, all costs expended on appeal. This reporting requirement shall include all fees paid to attorneys, all expenses charged by attorneys, charges for reports or testimony of witnesses, costs of any depositions taken, any costs for investigation made before or during the hearing, costs of research or legal briefs, and all filing fees paid on account of the litigation.

(32) All attorneys engaged in representing any claimant in any litigated workmen's compensation claim must, upon request of the commission, report to the industrial commission all attorney fees and all expenses which were incurred in the litigation and charged to the claimant. This requirement shall extend to any appeal or appeals that may be taken to a higher court by or on behalf of the claimant.

~~(4) The industrial commission may expand the forms presently used by sureties or employers providing workmen's compensation coverage under the law by adding appropriate space or spaces to provide the additional information required in this section.~~

(53) The industrial commission shall supply all attorneys representing claimants with a form upon which a report in compliance with this section can be made.

(64) Reports ~~required~~requested hereunder must be filed with the industrial commission not later than thirty (30) days following the date of the request, which will be subsequent to the time of entry of an award by the industrial commission; or in the event of an appeal to a higher court, ~~not later than thirty (30) days following~~ subsequent to a final ruling by the court.

(75) The industrial commission may make such rules as are necessary to require compliance with the provisions of this section, including refusing to allow attorneys who fail to comply with the provisions of this section the right to appear before the industrial commission.

~~(8) The provisions of this section shall apply to all cases in which an application for hearing is filed with the industrial commission on or after July 1, 1988.~~

| **STATEMENT OF PURPOSE:**

Claimant's counsel must submit information on costs and fees on all proposed Lump Sum Settlements, and on the accompanying Attorney Fee Memorandum submitted to the Industrial Commission. Also, if the claim was litigated, the claimant's counsel and defense counsel must submit the same cost and fee information to the Commission. In order to eliminate redundancy, reduce the paperwork and mailing costs associated with this process, this change would require the submittal of Forms 1022 and 1023 to be submitted only upon request of the Commission.

| **FISCAL IMPACT:**

Eliminate approximately 500 forms mailed each year to attorneys for a cost savings of approximately \$200 annually.

DRAFT