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Barbara Jorden

August 1, 2024

Kamerron Slay  
Commission Secretary  
Idaho Industrial Commission  
11321 W Chinden Blvd Building #2  
Boise ID 83714

Dear Ms. Slay,

The Idaho Trial Lawyers Association (ITLA) appreciates all of the work that has gone into the Zero-Based Regulation (ZBR) Order regarding the review of the Idaho Workers' Compensation Administrative Rules. There are a lot of stakeholders and members of the public that were consulted and the latest draft date July 29, 2024 is a testament to that effort.

ITLA membership includes a large percentage of claimants workers compensation attorneys. Our attorneys are dedicated to the fair and prompt settlement of the claims of injured workers.

ITLA members analyzed the latest draft of the rules and support almost all of the proposed changes as they relate to injured workers, believing the edits may streamline some of the processes undertaken by the Commission and the stakeholders. We are cautiously optimistic that further tweaks to the rules will not be necessary for quite some time.

We do, however, have one comment on IDAPA 17.01.01.802.03.(c). The IIC proposed language is:

c. Upon receipt and a determination of compliance with this Rule by the Commission by reference to its staff, the Commission may issue an Order Approving Fees without a hearing. The thirty (30) day-time period for counsel to submit the affidavit or memorandum may be extended by the Commission upon the filing of a motion under JRP 3 demonstrating good cause for the delay.

ITLA recommends that this section should read:

c. Upon receipt and a determination of compliance with this Rule by the Commission by reference to its staff, the Commission may issue an Order Approving Fees without a hearing. The thirty (30) day-time period for counsel to submit the affidavit or memorandum may be waived for good cause shown.

Our suggestion follows the edit to IDAPA 17.01.01.802.03.(b) which requires an attorney representing a claimant to file their charging lien within thirty days of settlement dismissal. The thirty day time limit does seem reasonable but there are occasions when more time is necessary.

Thank you to all the Commission staff who have worked so diligently on this effort. We appreciate the consideration.

Sincerely,

  
Barbara Jorden