

2012 -- S 2736

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY  
ATTORNEY FEES

Introduced By: Senator William A. Walaska

Date Introduced: March 06, 2012

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-44-57 of the General Laws in Chapter 28-44 entitled  
2 "Employment Security - Benefits" is hereby amended to read as follows:

3 **28-44-57. Fees and costs chargeable.** -- (a) No individual claiming benefits shall be  
4 charged fees of any kind by the director or his or her representative, or by the board of review or  
5 its representatives, in any proceeding under chapters 42 -- 44 of this title. Any individual claiming  
6 benefits in any proceeding or court action may be represented by counsel or other duly authorized  
7 agent. The director shall have the authority to fix the fees of that counsel or other duly authorized  
8 agent, but no counsel or agent shall together be allowed to charge or receive for those services  
9 more than ten percent (10%) of the maximum benefits at issue in that proceeding or court action  
10 but not less than fifty dollars (\$50.00) except as specifically allowed by the superior court.

11 (b) In any case in which either an employer appeals from a determination in favor of the  
12 claimant or a claimant appeals ~~from~~ and is successful in appealing a decision unfavorable to the  
13 claimant to an appeals body other than a court of law and the claimant retains an attorney-at-law  
14 to represent him or her, the attorney shall be entitled to a counsel fee of ~~fifteen percent (15%)~~ ten  
15 percent (10%) of the amount of benefits at issue before the appeals body but not less than fifty  
16 dollars (\$50.00), which shall be paid by the director out of the employment security  
17 administrative funds, within thirty (30) days of the date of his or her appearance.

18 (c) (1) An attorney-at-law who represents an individual claiming benefits on an appeal to

1 the courts shall be entitled to counsel fees upon final disposition of the case and necessary court  
2 costs and printing disbursements as fixed by the court.

3 (2) The director shall pay those counsel fees, costs, and disbursements, out of the  
4 employment security administrative funds in each of the following cases:

5 (i) Any court appeal taken by a party other than the claimant from an administrative or  
6 judicial decision favorable in whole or in part to the claimant;

7 (ii) Any court appeal by a claimant from a decision denying or reducing benefits  
8 awarded under a prior administrative or judicial decision;

9 (iii) Any court appeal as a result of which the claimant is awarded benefits.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY  
ATTORNEY FEES

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1           This act would reduce the attorney fees from fifteen percent (15%) to ten percent (10%)  
2 of the amount of benefits to be paid to a claimant's attorney when he or she represents the  
3 claimant before a noncourt appeals body when either employer appeals from a favorable  
4 claimant's determination or when a claimant appeals an unfavorable decision.

5           This act would take effect upon passage.

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