Report of the Labor and Social Security Law Committee

Minn. L. Rev. Editorial Board

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As to Recommendation No. 6:

Your Committee had a very active sub-committee which considered a number of aspects of our laws relating to commitment and discharge of mental incompetents. Some of the subjects which the sub-committee considered have been made the subject of bills introduced into the current session of the legislature, and at the time this report is written it is uncertain how many of these bills, if any, will become law. Because of the importance and complicated nature of the subject, the Committee has requested the sub-committee to continue its deliberations until such time as a new Committee on Jurisprudence is established, in order that there may be as little interruption as possible in the progress of the study.

The Committee considered a number of other proposals, some of which it felt were not sufficiently meritorious to bring to the attention of the Association, and others of which it referred to other committees for consideration.

The Committee wishes to express its appreciation to Mr. William B. Henderson, Revisor of Statutes, for his able advice and assistance.

Respectfully submitted,

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REPORT OF THE LABOR AND SOCIAL SECURITY LAW COMMITTEE

To the MINNESOTA STATE BAR ASSOCIATION:

Your Committee recommends:

Recommendation

Your Committee recommended amendments to Section 181.06 of Minnesota Statutes—Assignment of Wages; Pay Roll Deductions—to legalize deductions from wages or salary for Union Initiation Fees, Membership Dues and assessments. This bill was introduced in the 1949 session of the Legislature but was not enacted into law.

Report

This Committee has had a standing committee working during the year on the question of the jurisdiction in Labor Relations cases of the Federal and State Government, and the conflict existing between them. This Committee has made a study of the concurrent jurisdiction problem and has been following the course of legislation, both in the State and in Washington
One of the most difficult problems which faced the committee this year was the question of attorney's fees in contested Workmen's Compensation cases. Many complaints have been received by the Committee that the fees in contested cases were not sufficient to warrant the average practitioner taking dispute cases before the Industrial Commission. Likewise, the Commission has complained that there are excessive attorney's fees being charged in other dispute cases. Your Committee has had a sub-committee working on this matter with the Commission and has met with the Commission two different times.

The Commission claims that under its Rules of Practice "21 (e)" providing for the approval of attorney's fees, that attorneys have been charging in some cases the full 33 1/3% and occasionally 50% of the compensation recovered and in many instances this same percentage was based not only on the compensation, but as well on the amount of medical charges recovered. The Commission also states that it has on numerous occasions endeavored to induce the State Bar Association to adopt a schedule of fees for legal services. The Commission then goes on to recommend that the Legislature adopt a schedule of fees to be allowed attorneys practicing before the Commission. -- "Such schedule should be based entirely on the percentage of the amount of weekly compensation recovered as a result of the efforts of counsel retained by the employee, exclusive of medical benefits involved in the award." That such legislation--"setting fees should provide that not less than one-half of the amount allowed as attorneys' fees be awarded against the employers and insurers if the employee is successful in obtaining an award where the employer denies liability or terminates compensation payments."

This Committee had a special meeting on January 15, 1949 to consider this matter. The Committee took the following action:

1. It went on record as opposing the recommendation that the Legislature adopt a schedule of fees for attorneys practicing before the Commission.

2. The Committee authorized the creation of a Sub-Committee to meet again with the Industrial Commission, with instructions to work out with the Commission a minimum fee schedule. This Committee has been appointed and is now working with the Commission trying to reach an agreement on a minimum fee schedule.

3. With reference to the question as to whether hospitals and doctors who receive awards from compensation cases, should be compelled to pay a proportion of that award for attorney's fees where such parties do not have private attorneys representing them before the Commission, the Committee appointed a second Sub-Committee to negotiate with the Minnesota Hospital Association and the State Medical Association to try to work out some fair means of compensating attorneys who handle dispute cases where medical benefits are also involved in the award and that if a solution can be reached with these parties, that the matter be again brought before the Industrial Commission to work out some means of procedure for the payment of these fees.

4. With respect to the allowance of attorney's fees in appeal cases before the Industrial Commission, it appears that the Commission has been allowing $50 for services of Twin City attorneys and for attorneys from outside of the Twin Cities, $75. A Sub-Committee was directed to confer with the Commission respecting the raising of attorney's fees as taxable costs in such appeal cases, and also to confer with the Supreme Court Justices in an effort to procure an increase in attorney's fees allowable in that Court.