

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1024

Amending Appellate Rule
508(g)(2) concerning attorney's
fees in workers compensation
appeals.

IT IS ORDERED:

Appellate Rule 508(g) is amended to provide:

(g) Exemptions.

(1) Workers' Compensation Appeals.
In an administrative appeal from the Alaska Workers' Compensation Board or in an appeal from a denial of a claim of benefits under the Employment Security Act, an award of costs or attorney's fees shall not be made against the claimant in either the supreme court or the superior court unless the court finds that the claimant's position was frivolous, unreasonable, or taken in bad faith.

(2) In an administrative appeal from the Alaska Workers' Compensation Board, full reasonable attorney's fees will be awarded to a successful claimant. Counsel for the claimant shall serve and file an affidavit of services rendered on appeal within 10 days from the date of notice of an opinion or an order under Rule 214. Objections to the affidavit of services may be filed within 7 days of service of the affidavit. An individual justice shall determine the amount of fees to be awarded.

DATED: November 30, 1989

EFFECTIVE DATE: July 15, 1990

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore