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## Workers' Compensation; Indigent Representation

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regarding the weight of evidence on questions of fact.<sup>14</sup>

Under existing law, the Manager is authorized to revise premium rates and classifications of employment concerning payments made under the Industrial Insurance Act and the Occupational Diseases Act.<sup>15</sup> Prior law limited the Commissioner's power to order adjustments in the Manager's revised rates by first requiring a hearing to consider objections to the rates.<sup>16</sup> Chapter 485, however, authorizes the Commissioner, after reviewing the revised rates and classifications, to advise the Manager of changes that are inconsistent with the rate standards established by the Industrial Insurance Act.<sup>17</sup> Finally, Chapter 485 specifies that premium rates may not be fixed at a level higher than necessary to (1) pay the obligations and administrative expenses created by the Industrial Insurance Act and the Occupational Diseases Act,<sup>18</sup> (2) provide a reasonable reserve for claims,<sup>19</sup> and (3) provide for contingencies including catastrophes, economic change, change in judicial interpretations of the law, deficiencies in the reserve, and other events that cannot be predicted accurately and that could endanger the solvency of the fund.<sup>20</sup>

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14. *Id.*

15. NEV. REV. STAT. §616.380(3)(c) (amended by 1983 Nev. Stat. c. 485, §4, at 1306); 1983 Nev. Stat. c. 485, §6, at 1307 (revisions must be filed with the commissioner and written public notice must be given to employers affected by the changes at least 30 days before the changes are to take effect).

16. 1981 Nev. Stat. c. 642, §150, at 1473 (amending NEV. REV. STAT. §616.380(3)(c)) (the employer *must* request the hearing before the rate change).

17. NEV. REV. STAT. §616.380 (amended by 1983 Nev. Stat. c. 485, §4, at 1307).

18. *Id.* §616.380(3)(d)(1) (amended by 1983 Nev. Stat. c. 485, §4, at 1307).

19. *Id.* §616.380(3)(d)(2) (amended by 1983 Nev. Stat. c. 485, §4, at 1307).

20. *Id.* §616.380(3)(d)(3) (amended by 1983 Nev. Stat. c. 485, §4, at 1307).

## **Workers' Compensation; indigent representation**

NEV. REV. STAT. §616.2535 (amended).

AB 432 (Banner); 1983 STAT. Ch 208

Existing law permits a worker's compensation claimant to request representation by a state industrial attorney.<sup>1</sup> Prior law required the claimant to attach an affidavit with the request for public representation stating a financial inability to employ private counsel.<sup>2</sup> With the enactment of Chapter 208, this attached affidavit is no longer a prereq-

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1. NEV. REV. STAT. §616.2535(1).

2. 1977 NEV. STAT. c. 443, §5, at 886 (enacting Nev. Rev. Stat. §616.2535).

uisite to obtaining public representation.<sup>3</sup>

Under prior law, the appeals officer could appoint a state industrial attorney if (1) the claimant was financially unable to employ private counsel<sup>4</sup> and (2) the claimant would be better served by legal representation.<sup>5</sup> Chapter 208 eliminates indigency of the claimant as a consideration in this decision-making process,<sup>6</sup> and requires an attorney to be appointed if the claimant would be better served by legal representation.<sup>7</sup>

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3. Compare NEV. REV. STAT. §616.2535(1) (amended by 1983 Nev. Stat. c. 208, §1, at 478) with 1977 Nev. Stat. c. 443, §5, at 886 (enacting NEV. REV. STAT. §616.2535).
  4. 1977 Nev. Stat. c. 443, §5, at 886 (enacting NEV. REV. STAT. §616.2535).
  5. NEV. REV. STAT. §616.2535(2) (amended by 1983 Nev. Stat. c. 208, §1, at 478).
  6. Compare *id.* with 1977 Nev. Stat. c. 443, §5, at 886 (enacting NEV. REV. STAT. §616.2535).
  7. NEV. REV. STAT. §616.2535(2) (amended by 1983 Nev. Stat. c. 208, §1, at 478).

### Workers' Compensation; appeals, hearings, penalties

NEV. REV. STAT. §616.— (new); §§616.182, 616.226, 616.230, 616.245, 616.400, 616.542, 616.5422, 616.5424, 616.544 (amended).

AB 255 (Committee on Labor and Management);  
1983 STAT. Ch 156

AB 555 (Committee on Labor and Management); 1983 STAT.  
Ch 406

Under existing law, the Manager<sup>1</sup> of the State Industrial Insurance System<sup>2</sup> (hereinafter referred to as System) is authorized to fix the premiums paid to the state insurance fund<sup>3</sup> based upon premium rates and classifications of employment filed with the Commissioner of Insurance.<sup>4</sup> Existing law limits judicial review of administrative determinations to situations in which a party is aggrieved by a final decision in a contested case.<sup>5</sup> Under prior law, decisions made by employees of the System<sup>6</sup> regarding an employer's<sup>7</sup> account did not constitute a con-

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1. See NEV. REV. STAT. §616.1713 (qualifications and function of manager).
  2. See *id.* §616.1701 (creation of State Industrial Insurance System).
  3. *Id.* §616.395(1); see *id.* §616.425 (creation of state insurance fund).
  4. *Id.* §616.380(c) (amended by 1983 Nev. Stat. c. 485, §4, at 1306).
  5. *Id.* §233B.130(1); see *id.* §616.335 (to facilitate this process the system is authorized to inspect the books, records and payrolls of the employer); see also *Private Investigator's Licensing Board v. Atherley*, 98 Nev. Adv. Op. 152, 654 P.2d 1019, 1019 (1982)(district court has jurisdiction to review only "contested cases"). A contested case is a proceeding (1) to determine the legal rights, duties or privileges of a party after an opportunity for a hearing, or (2) in which an administrative penalty may be imposed. NEV. REV. STAT. §233B.032.
  6. See *id.* §616.1721 (an administrative staff is appointed by the manager).