STATE OF NEW YORK

5199

2017-2018 Regular Sessions

IN SENATE

March 15, 2017

Introduced by Sen. ALCANTARA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to fees of attorneys assigned to represent claimants on appeals to the appellate division in unemployment insurance cases

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (d) of subdivision 1 of section 538 of the labor law, as amended by chapter 831 of the laws of 1981, is amended to read as follows:

(d) In addition to any fee which may be allowed by the appeal board for services rendered to the claimant, an attorney representing a claimant shall [~~be entitled to a fee~~] **receive compensation at a rate of seventy-five dollars per hour and such compensation shall** not [~~to~~] exceed the sum of [~~five hundred~~] **two thousand** dollars and necessary printing and other disbursements in each of the following cases: (1) On an appeal from a decision of the appeal board in favor of the claimant. (2) On a motion for leave to appeal to the court of appeals from a decision of the appellate division of the supreme court which relates to a decision of the appeal board in favor of the claimant. (3) On an appeal to the court of appeals from a decision of the appellate division of the supreme court which relates to a decision of the appeal board in favor of the claimant. When a claimant takes such appeal, the court shall allow a fee and disbursements only if it finds the appeal to have been meritorious.

§ 2. This act shall take effect immediately; provided, however, it shall apply only to appeals commenced on or after such effective date.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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