

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2556** Session of  
1980

INTRODUCED BY W. D. HUTCHINSON, HASAY, BELARDI, SERAFINI,  
B. F. O'BRIEN, COSLETT, SHUPNIK AND KLINGAMAN, MAY 13, 1980

REFERRED TO COMMITTEE ON INSURANCE, MAY 13, 1980

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as  
2 amended, "An act defining the liability of an employer to pay  
3 damages for injuries received by an employe in the course of  
4 employment; establishing an elective schedule of  
5 compensation; providing procedure for the determination of  
6 liability and compensation thereunder; and prescribing  
7 penalties," further providing for counsel fees.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 442, act of June 2, 1915 (P.L.736,  
11 No.338), known as "The Pennsylvania Workmen's Compensation Act,"  
12 reenacted and amended June 21, 1939 (P.L.520, No.281) and  
13 amended March 29, 1972 (P.L.159, No.61), is amended to read:

14 Section 442. [All counsel fees, agreed upon by claimant and  
15 his attorneys, for services performed in matters before any  
16 referee or the board, whether or not allowed as part of a  
17 judgment, shall be approved by the referee or board as the case  
18 may be, providing the counsel fees do not exceed twenty per  
19 centum of the amount awarded. The official conducting any  
20 hearing, upon cause shown, may allow a reasonable attorney fee

1 exceeding twenty per centum of the amount awarded at the  
2 discretion of the hearing official.

3 In cases where the efforts of claimants' counsel produce a  
4 result favorable to the claimant but where no immediate award of  
5 compensation is made such as in cases of termination or  
6 suspension the hearing official shall allow or award reasonable  
7 counsel fees, as agreed upon by claimant and his attorneys,  
8 without regard to any per centum.] Upon petition by counsel  
9 filed with the referee, the Workmen's Compensation Board or the  
10 court, before which the case is then being heard, the referee,  
11 the Workmen's Compensation Board or the court shall approve an  
12 award of counsel fees in such an amount as is reasonably  
13 commensurate with the necessary work performed by counsel. In  
14 order for counsel fees to be approved and properly awarded, the  
15 fee petition shall be accompanied by a complete itemized  
16 statement of the extent and character of the necessary legal  
17 services performed. The petition shall include an hourly  
18 breakdown of the time spent in the particular activity plus the  
19 normal hourly billing rate charged by the attorney. The award  
20 shall take into account the quality of the representation, the  
21 complexity of the case and the amount of benefits awarded. In  
22 the event counsel is willing to accept twenty per centum, or  
23 less, of compensation awarded and payable up to one hundred  
24 fifty (150) weeks, as his reasonable counsel fee, that amount  
25 shall be approved and awarded by the referee, the Workmen's  
26 Compensation Board or the court, before which the case is then  
27 being pending, without the necessity of filing such fee  
28 petition.

29 Section 2. This act shall take effect in 60 days.