

LEGISLATIVE BILL 732

Approved by the Governor March 1, 1974

Introduced by Judiciary Committee, Luedtke, 28, Chrn.; Stull, 49; Carpenter, 48; Barnett, 26; Fellman, 4; Chambers, 11; DeCamp, 40; Richendifer, 16

AN ACT to amend section 48-108, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to provide for payment of the attorney's fee; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-108. No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amounts to be paid as damages or compensation or be valid or binding in any other respect, unless the same be approved in writing by the judge presiding at the trial, or, in case of settlement without trial, by the judge of the district court of the district in which such issue arose. After such approval, if notice in writing be given the defendant of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation. ~~↑--Provided,--however,--where~~ When the employee's compensation is payable by the employer in periodical installments, the court shall fix, at the time of approval, the proportion of each installment to be paid on account of legal services and disbursements. The court, in approving an attorney's fee as provided in this section, may order the payment of the fee directly to the attorney in a lump sum, either commuting sufficient of the final payments of compensation payable to a lump sum for that purpose or allowing a proportionate credit against each installment of compensation to be paid. When the fee is ordered to be paid in a lump sum, the amount to be paid shall be fixed at an amount which will equal the total sum of the probable future payments of such fee, capitalized at its present value upon the basis of interest calculated at five per cent per annum with annual rests.

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Sec. 2. That original section 48-108, Reissue
Revised Statutes of Nebraska, 1943, is repealed.