



1924

Compensation Facts

North Dakota Law Review

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14. The defendant generally is accorded the right to take depositions of witnesses, but the State does not generally possess that right.

15. The defendant can use a transcript of the record of preliminary hearing or coroner's inquest, but the State, except under special circumstances, can not do so.

16. The defendant is presumed to be innocent and may be acquitted on reasonable doubt as to criminal intent even when the act is proved or admitted; the State, however, must prove guilt beyond a reasonable doubt.

17. A defendant pleading insanity is not required to show it beyond a reasonable doubt, but only by a preponderance of the evidence; and, in some states, if a reasonable doubt exists as to the defendant's sanity he must be acquitted on the ground of insanity.

18. The defendant has full right to appeal from all adverse rulings during the trial and from the verdict of guilty. The State has no right to appeal from a verdict of not guilty, and only in a limited number of states can it have the rulings of the trial court upon questions of law reviewed.

19. The defendant may plead former jeopardy if the State's case fails through any mischance, such as absence of a witness; but the State, except in exceptional cases, cannot show previous conviction except to impeach his testimony.

20. The defendant, in many states, can prosecute an appeal at public expense, while the State rarely collects costs from the defendant even when the conviction is affirmed.

21. The defendant may ask for reversal of conviction on any grounds, including severity of punishment, but the State can not on appeal ask that the punishment be increased.

22. A defendant convicted of crime usually has the right to a hearing as to his sanity after conviction, though the State can not ask for the reopening of a case where the defendant has been acquitted on the plea of insanity even though it is prepared to show that the defendant has regained his reason.

23. If all other advantages and methods of which the defendant can avail himself fail to prevent conviction and punishment, he may ask the Governor or pardoning board for a reduction of sentence, parole or pardon.

COMPENSATION FACTS

During the early years of the operation of the North Dakota Workmen's Compensation Bureau a number of the classifications developed deficits instead of profits. Out of the total of 240 different classifications there were 33 having that experience. In about half of the classifications the result was due to an inadequate rate; in the others to an exceptionally high loss experience during the first year or two. The record, at the end of the first five years, showed up the following:

Manual	Premiums Collected	Losses Paid	Deficit
0005	\$ 480.27	\$ 4,189.78	\$ 3,709.51
0006	4,910.25	12,939.22	8,028.97
1001	196,587.38	231,635.08	35,047.70
1005	19,301.47	39,793.11	20,491.64
1463	1,336.34	2,598.79	1,262.45
2013	147.51	1,175.34	1,027.83
2090	18,664.51	24,440.64	5,776.13
2092	5,218.36	5,546.62	328.26
2150	452.14	757.85	305.71
2702	210.02	700.14	490.12
2731	3,401.01	10,213.10	6,812.09
2803	397.30	2,315.97	1,918.67
3124	135.42	187.99	52.57
3632	1,543.62	1,605.86	62.24
3724	3,151.62	12,828.56	9,676.94
3726	307.06	1,433.97	1,126.91
4000	3,556.35	3,761.63	205.28
5040	2,758.78	3,046.98	288.20
5067	11,061.20	13,128.84	2,067.64
5204	12,790.08	27,959.98	15,169.90
5500	7,402.47	10,025.13	2,622.66
5602	8,924.56	19,415.92	10,491.36
6042	104,628.22	121,649.57	17,021.35
6102	61.10	117.37	56.27
6204	115.63	2,854.49	2,738.86
6320	1,901.31	18,319.14	16,418.83
6321	5,715.39	9,660.90	3,945.51
8010	10,558.24	22,070.08	11,511.84
8261	1,314.16	1,533.07	218.91
8380	57,348.92	63,656.83	6,307.91
8747	22,592.32	28,385.22	5,792.90
9540	1,563.61	2,279.75	716.14
9541	378.57	486.86	108.29
	<u>\$508,915.19</u>	<u>\$700,713.78</u>	<u>\$191,798.59</u>

No definite steps had been taken, up to this time to make the necessary adjustments, in fact, the matter was aggravated by permitting these classifications to participate in some of the dividends that were credited by reason of the fact that the other 207 classifications had worked up an excess amount of surplus. With the year 1924, however, steps were taken to bring the different classifications upon a more equitable basis by the adoption of a group dividend plan, which worked out as follows for the years 1924 and 1925:

	1924	1925
No. of Classifications Receiving 30%.....	14	11
No. of Classifications Receiving 20%.....	39	44
No. of Classifications Receiving 10%.....	83	78
No. of Classifications Receiving NO dividend.....	109	112

Taking, at random, a number of classifications it will be observed that a fairly accurate index is now obtained as to whether a rate is correct, or too high or too low.

Manual	1923	1924	1924	1925	1925
	Rate	Dividend	Rate	Dividend	Rate
2000	1.30	20%	1.20	10%	1.20
2063	1.45	None	1.45	None	1.45
2581	.90	20%	.85	10%	.85
2583	1.40	None	1.40	None	1.40
4300	.35	10%	.35	20%	.28
7535	2.25	None	2.25	20%	2.25
7720	2.90	30%	2.75	10%	2.75
8207	1.63	30%	1.53	30%	1.40
8010	.52	\$14,420.11*	.52	\$11,511.84*	.52
8304	1.80	30%	1.70	30%	1.60
8747	.40	\$11,538.86*	.40	\$ 5,792.90*	.40
8901	.16	20%	.14	30%	.12

Note, first, the two marked (*), which represent deficit Manuals—the 1923 increase of rate brought the deficit down to such an extent that no further increase was warranted.

Manuals 2000 and 2581, after deducting a 20% dividend and a cut in rate, worked their surplus into the 10% class the following year, indicating that the proper level had probably been reached.

Manual 8207 and 8304, notwithstanding a 30% dividend in 1924, and also a cut in rate, continued to maintain sufficient surplus to warrant another 30% dividend, indicating that the rate was still too high.

Manual 4300, receiving only 10% dividend in 1924, with no rate cut, worked its surplus up to a point where it was entitled to 20% dividend the following year, indicating that a cut in rate was justified; Manual 7535, however, could not get a rate cut, although showing the same situation as Manual 4300, because the total payroll experience for 7535 was not enough to determine whether the result represented a proper average.

WORK FOR COMMITTEES

The very hearty response which has been received from committeemen augurs well for the year upon which we have entered. The time has passed when an association which engages in no activity except the program which it stages at its annual meeting can justify its existence. We fail utterly unless we participate in the solution of problems directly affecting the administration of justice. It is believed that every committee appointed has work to do which is really vital. Committee chairmen will be constantly reminded of the particular activities committed to them. We covet for each committee such success in its investigations and analysis of facts found and conclusions reached as will make its report a distinctive contribution upon the subjects which it considers.