



TEXAS DEPARTMENT OF INSURANCE

General Counsel Division - Legal Section (MS-4D)

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memo

To: Workers' Compensation System Participants

From: Nicholas Canaday III, General Counsel

Date: April 8, 2016

RE: Informal Stakeholder Meeting regarding 28 Texas Administrative Code (TAC) Chapter 152: Attorneys' Fees

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) will hold an informal stakeholder meeting on Monday, April 25, 2016 in the Tippy Foster Room at the TDI-DWC Central Office, 7551 Metro Center Drive, Suite 100 in Austin, Texas. Streaming audio of the informal stakeholder meeting will be available at <http://tdimss.tdi.texas.gov/tdi/tdi.aspx>.

The meeting will begin at 9:00 a.m. and TDI-DWC will receive comments on the informal drafts of the following rules:

28 Texas Administrative Code (TAC) Chapter 152: Attorneys' Fees.

Amending: 28 TAC §152.3. Approval or Denial of Fee by the Commission. 28 TAC §152.4. Guidelines for Legal Services Provided to Claimants and Carriers.

New: 28 TAC §152.6. Attorney Withdrawal.

Labor Code §408.221 and §408.222 require, in part, the commissioner of workers' compensation to approve attorneys' fees for representing a claimant or defending an insurance carrier in a workers' compensation action. The purpose of the informal stakeholder meeting is to receive comments on the informal drafts of amendments to current §152.3 and §152.4, which would update the rules for the first time since originally adopted in 1991, and the informal draft of new §152.6, which would require attorneys to comply with the Texas Disciplinary Rules of Professional Conduct when withdrawing representation. The informal draft of new §152.6 would require attorneys to provide notice to the division, the attorney's client, and the opposing party upon withdrawal of the attorney's representation, as well as receive approval from the division prior to withdrawing once notice of a scheduled benefit review conference or contested case hearing has been received.

The informal draft of the rule was posted to the TDI website, at <http://www.tdi.texas.gov/wc/rules/drafts.html>, on April 1, 2016. The informal comment period closes on April 29, 2016 at 5:00 p.m. CST.

TDI-DWC offers reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the Americans with Disabilities Act. If you require special accommodations, contact Idalia Salazar at (512) 804-4403 at least two business days prior to the public hearing date.