



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation

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memo

To: Texas Attorneys

From: Tim Riley, Deputy Commissioner, Compliance and Investigations

Date: July 11, 2018

RE: Applications for attorneys' fees

The Texas Department of Insurance, Division of Workers' Compensation (DWC) reminds attorneys of the requirements to claim a fee for representing a party in the Texas workers' compensation system.

Requirements

To claim a fee, an attorney representing any party must submit to the division a complete and accurate application for attorney fees in the form and manner prescribed by the division. 28 TAC §152.3(a).

The attorney must provide an itemized list of each legal service performed and expense incurred representing the claimant or insurance carrier that identifies the attorney or legal assistant who provided the service, the date the service was provided, and the hours or amount requested. 28 TAC §152.3(b)(7).

Each attorney must bill for hours using that attorney's state bar card number. 28 TAC §152.4(e).

In certifying an application for attorneys' fees, the attorney certifies that every statement, numerical figure, and calculation is within the attorney's personal knowledge, is true and correct, and represents the services, charges, and expenses provided by the attorney or a legal assistant under the attorney's supervision. 28 TAC §152.3(b)(8).

Enforcement

DWC emphasizes that attorneys are subject to review for compliance with commissioner rules, the Texas Workers' Compensation Act, and other laws under Labor Code Chapter 414. An order approving, partially approving, or denying an application for attorney fees does not limit the commissioner's authority to enforce a sanction, administrative penalty, or other remedy authorized by the Act.

DWC may take appropriate enforcement action for failing to file an application for attorney fees in the form and manner prescribed by the division.