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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [August 17, 2026](#)

Subject: Informal working draft of attorney fee rule

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is accepting public comments on an informal working draft of a rule amending [28 Texas Administrative Code Sections 152.1, 152.2, 152.3, 152.4, and 152.5](#), concerning attorney fees.

The rule changes require electronic filing of attorney fee applications to reduce administrative burdens on stakeholders and DWC, and to promote efficiency by eliminating wasteful paper copies of these applications. They increase maximum hourly rates for attorneys to \$300.00 and legal assistants to \$85.00. They also update citations, remove obsolete references, and make nonsubstantive editorial changes to improve the rule's clarity and for plain language.

The maximum hourly rates for attorneys and legal assistants were last updated to their current levels of \$200.00 and \$65.00, respectively, in 2017. These changes are necessary to ensure injured employees have access to quality legal representation. DWC attorney fee billing data reflects that the number of attorneys representing injured employees has steadily declined over time, from 134 attorneys in 2017 to 80 in 2026. This data also shows a drop in the number of attorneys representing workers' compensation insurance carriers, from 168 attorneys in 2017 to 103 in 2026. Also, the changes to the maximum hourly rates are needed to account for inflation. The rates proposed in this current update are based on consideration of calculations using U.S. Bureau of Labor Statistics Consumer Price Index data tool applications. The rates take into account changes in prices since 2017, as well as approximations of future increases.

DWC will post a copy of the informal working draft rule on the website at www.tdi.texas.gov/wc/rules/2026rules.html.

Submit any written comments on the informal working draft rule to

RuleComments@tdi.texas.gov, or mail or deliver your comments to

Legal and Communications Services, MC-LS
Texas Department of Insurance, Division of Workers' Compensation
P.O. Box 12050
Austin, Texas 78711-2050

The deadline to submit all comments is 5 p.m., Central time, on September 17, 2026.