



## TEXAS DEPARTMENT OF INSURANCE

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

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# memo

To: Workers' Compensation System Participants

From: Emily McCoy, Director, Office of Workers' Compensation Counsel

Date April 1, 2016

Informal Posting: Amended 28 TAC §152.3 regarding approval or denial of fee by the commission, amended §152.4, regarding guidelines for legal services provided to claimants and carriers, and new §152.6, regarding

RE: attorney withdrawal.

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting comments on an informal working draft of amended 28 Texas Administrative Code (TAC) §152.3, §152.4, and new §152.6, available at <http://www.tdi.texas.gov/wc/rules/drafts.html>. The informal working draft was posted on the TDI-DWC website on April 1, 2016 and the comment period closes on April 29, 2016 at 5 p.m. Central time.

The informal working draft is not a formal rule proposal and comments received will not be treated as formal public comments for the purposes of the Administrative Procedure Act. There will be an opportunity to formally comment once the rule is proposed and published in the *Texas Register*. Informal comments may be submitted by email to [InformalRuleComments@tdi.texas.gov](mailto:InformalRuleComments@tdi.texas.gov) or by mail or delivery to:

Texas Department of Insurance, Division of Workers' Compensation  
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Amendments to §152.3, concerning approval or denial of a fee by the commission, and §152.4, concerning guidelines for legal services provided to claimants and carriers, update the attorney fee rules for the first time since 1991. The amendments reflect changes in the industry over the 25 years since the rules were originally adopted, and are designed to ensure there is quality representation available within the workers' compensation system. Additionally, they allow more time at the beginning of a dispute for preparation and case management in order to encourage early resolution of claim disputes. New §152.6, concerning attorney withdrawal, requires attorneys to comply with the Texas Disciplinary Rules of Professional Conduct when withdrawing from a claim and helps to prevent an attorney's withdrawal from having a material adverse effect on the client.