

Title 14
INDEPENDENT AGENCIES
Subtitle 09 WORKERS' COMPENSATION COMMISSION
14.09.04 Legal Representation and Fees

Authority: Labor and Employment Article, §§9-309, 9-721, and 9-731, Annotated Code of Maryland

Notice of Proposed Action

[17-226-P]

The Workers' Compensation Commission proposes to amend Regulations **.01 — .03** under **COMAR 14.09.04 Legal Representation and Fees**. This action was considered at a public meeting held on June 22, 2017, notice of which was given by publication in 44:11 Md. R. 573 (May 26, 2017), pursuant to General Provisions Article, §3-302(c) Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require attorneys to register for the WFMS, to automate the entry of appearance when filing electronically, to require filing a notice to withdraw an attorney's appearance, and to clarify that attorneys are required to file the same consent form or petition for attorney's fees under COMAR14.09.04.02 whether the matter is resolved by award, settlement, or stipulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300 (TTY 800-735-2258), or email to alackington@wcc.state.md.us, or fax to 410-864-5301.

Comments will be accepted through January 22, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on February 8, 2018, at 10 E. Baltimore Street, Baltimore, MD 21202.

.01 Legal Representation.

A. (text unchanged)

B. Attorney Registration with Commission.

(1) An attorney wishing to practice before the Commission shall:

(a) Register for the WFMS in accordance with COMAR 14.09.01.09;

[(a)] (b) — [(b)] (c) (text unchanged)

(2) (text unchanged)

C. Entry of Appearance.

(1) An attorney representing a claimant enters an appearance as attorney of record automatically when the attorney files the claim electronically.

[(1)] (2) [An] Except as provided in §C(1) of this regulation, an attorney representing a party in a claim shall complete and file an Entry of Appearance form with the Commission to establish an attorney of record.

[(2)] (3) — [(3)] (4) (text unchanged)

D. Notices.

(1) If a party is represented by an attorney, notices to the party may be [mailed to] served on the attorney of record only.

(2) (text unchanged)

E. Termination of Representation. An attorney whose appearance has been entered on behalf of a party to a claim remains the attorney of record for the party to that claim until the attorney files a Notice to Withdraw Appearance form accompanied by:

[(1)] The attorney:

(a) Files a Request to Strike Appearance form;

(b) Certifies that a copy of the Request to Strike Appearance was mailed to all parties; and

(c) Certifies that notice of any pending hearing was mailed to the attorney's client; or

(2) The party requests that the Commission strike the appearance of the attorney.]

(1) The client's written consent to the withdrawal; or

(2) Certification that, at least 15 days prior to the filing of the Notice, a copy of the following was mailed to the client and that the client had consented or had not responded:

(a) Notice to Withdraw Appearance; and

(b) Notice advising the client:

(i) To have another attorney enter an appearance; or

(ii) To notify the Commission in writing of the client's intention to proceed in proper person.

F. The attorney filing the Notice to Withdraw Appearance shall also certify that:

(1) Copies of the Notice to Withdraw Appearance form with the attachment required by this regulation were served on all parties; and

(2) Notice of any pending hearing was mailed to the attorney's client.

.02 Attorney's Fee [and], Medical Evaluation Fee, and Costs — Application or Petition for Approval.

A. Request for Attorney's Fee Not in Excess of Schedule.

(1) An attorney seeking approval of an attorney's fee that does not exceed the maximum amount set forth in Regulation .03 of this chapter, [may] shall request approval of the fee by filing the Claimant's Consent to Pay [Attorney and Doctor Fee] Fees and Costs form.

(2) A completed Claimant's Consent to Pay [Attorney and Doctor Fee] Fees and Costs form shall:

(a) — (d) (text unchanged)

(3) — (8) (text unchanged)

B. Petition for Attorney's Fee in Excess of Schedule.

(1) — (3) (text unchanged)

C. (text unchanged)

.03 Schedule of Attorney's Fees.

A. (text unchanged)

B. Schedule of Fees.

(1) — (6) (text unchanged)

(7) Settlement Agreements.

(a) In a case in which an agreement of final compromise and settlement is approved, *and upon the filing of an application or petition for an attorney's fee in accordance with Regulation .02 of this chapter*, the Commission may approve an attorney's fee in accordance with this regulation.

(b) — (g) (text unchanged)

(8) — (9) (text unchanged)

C. (text unchanged)

R. KARL AUMANN
Chairman