

**\*\*\*DRAFT – NO CHANGE\*\*\***

**4121-3-24 Fee controversies.**

- (A) The commission may inquire into the amounts of fees charged by attorneys, agents or representatives of the parties for services in matters before the commission and shall protect parties against unfair fees. Attorney fees shall be based upon:
- (1) The time and labor required.
  - (2) The novelty and difficulty of the questions involved and the skill requisite to perform the legal services properly.
  - (3) The amount involved and the results obtained.
  - (4) The likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude other employment by the lawyer.
  - (5) The fee customarily charged in the locality for similar legal services.
  - (6) The time limitations imposed by the claimant or by the circumstances.
  - (7) The nature and length of the professional relationship with the claimant.
  - (8) The experience, reputation, and ability of the lawyer or lawyers performing the services.
  - (9) Whether the fee is fixed or contingent.
- (B) When a controversy exists between a party and his representative concerning fees for services rendered in industrial claims, either the party or the representative may make a written request to the commission to resolve the dispute. The commission shall set the matter for special hearing and inquire into the merits of the controversy. The commission shall fix the amount of a reasonable fee, if any fee be due the representative, and the decision of the commission shall be binding upon the parties to the dispute.
- In such controversies, the commission shall not assume jurisdiction unless the written request is filed within one year of the payment of the amount claimed or request therefore.
- The representative shall file a copy of the written fee agreement and an itemized statement showing all services rendered and expenses incurred in regard to the matter in controversy and also any and all payments received.
- (C) The commission shall make inquiry into whether the fee agreement is a contingency fee agreement. If the fee agreement is a contingency fee agreement, inquiry shall be made as to whether the contingency that is the basis for the matter in controversy has occurred.
- (D) The commission and the bureau of workers' compensation shall prominently display in all areas of an office which the claimants frequent a notice to the effect that the commission has statutory authority to resolve fee disputes.
- (E) A "controversy," as used in this rule, means a dispute between a claimant and his attorney.