

Standards of Conduct

R04-1-03

Standards of Conduct of Non-Attorneys before the Commission and the Bureau December 21, 2004

WHEREAS, the Industrial Commission issued Resolution R04-1-01 dated June 2, 2004 that set forth interim standards for conduct before the Industrial Commission and the Bureau of Workers' Compensation by third party administrators, by union representatives, and by employees of an employer until permanent guidelines were established by the Ohio Supreme Court; and

WHEREAS, on December 15, 2004, the Supreme Court of Ohio issued a decision in the case of *Cleveland Bar Assn. v. CompManagement, Inc.*, 104 Ohio St.3d 168, 2004-Ohio-6506, and the syllabus of the decision states:

"Nonlawyers who appear and practice in a representative capacity before the Industrial Commission and the Bureau of Workers' Compensation in conformity to Industrial Commission Resolution No. R04-1-01 are not engaged in the unauthorized practice of law."

WHEREAS, Ohio Administrative Code Rule 4121-2-01(A)(1) requires that any attorney, agent or representative who practices before the Industrial Commission or the Bureau of Workers' Compensation shall make themselves competent to handle such matters by becoming familiar with the statutes, decisions of the courts, and rules of the Bureau of Workers' Compensation and Industrial Commission relating to workers' compensation; and

WHEREAS, Ohio Administrative Code Rule 4121-2-01(A)(4) provides that such attorneys, agents and representatives shall abide by the rules of the Bureau of Workers' Compensation or the Industrial Commission in appearing for a party or in filing applications; and

WHEREAS, Ohio Administrative Code Rule 4121-2-01(A)(5) provides that attorneys, agents and representatives that practice before the Industrial Commission and Bureau of Workers' Compensation are in general to conduct themselves in accordance with the Code of Professional Responsibility as adopted by the Supreme Court of Ohio; and

WHEREAS, pursuant to Section 4121.03(E)(1) the Industrial Commission is responsible for establishing the overall adjudicatory policy and the management of the Industrial Commission.

WHEREAS, in light of the December 15, 2004 decision in the *Cleveland Bar Assn. v. CompManagement, Inc.*, 104 Ohio St.3d 168, 2004-Ohio-6506, the Industrial Commission desires that the standards of conduct for third party administrators, union representatives, or employees of employers who appear before the Industrial Commission and the Bureau of Workers' Compensation in a representative capacity, that are set forth in Resolution R04-1-01, be established on a permanent basis.

THEREFORE BE IT RESOLVED that the standards of conduct for third party administrators, union representatives, or employees of employers who appear before the Industrial Commission and the Bureau of Workers' Compensation in a representative capacity, that are set forth in Resolution R04-1-01, be established on a permanent basis.

Other Standard of Conduct Resolutions

R04-1-01

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June 2, 2004