

ENGAGEMENT LETTER FOR WORKERS' COMPENSATION LEGAL SERVICES

Williamson County
401 W 6th Street
Georgetown, TX 78626

Dear Williamson County,

This Engagement Letter for Legal Services (“Letter”) is made effective as of June 6, 2024 between the law firm of White Espey, PLLC and Williamson County. Parties agree herein that White Espey, PLLC will provide legal representation as it relates to workers’ compensation matters on behalf of Williamson County.

Services. White Espey, PLLC agrees to provide legal representation in all workers’ compensation matters assigned by Williamson County and/or its designated Third-Party Administrator (“TPA”) of workers’ compensation matters.

Term. The legal representation shall commence on June 6, 2024 and end upon the thirtieth day following written notice to terminate this Letter by either party.

Compensation. In consideration for the legal representation provided, White Espey, PLLC is to be paid according to the attached description of “Services” in **Exhibit A**.

IN WITNESS WHEREOF, the Parties hereto have executed this Letter on the dates written hereunder:

Agreed on June 6, 2024:



Timothy R. White
White Espey, PLLC

Agreed on June 6, 2024:

Bill Gravell, Jr.
County Judge
Williamson County

Exhibit A

Services

AUSTIN CARRIER REPRESENTATIVE SERVICE

- **There is no charge for the Austin Carrier Representative Service** if White Espey, PLLC represents Williamson County at all administrative hearings (BRC's, CCH's, Appeals Panel Briefs) at which Williamson County is represented by legal counsel. If Williamson County retains other *legal counsel* to represent their interests at any administrative hearing, the cost for Austin Carrier Representative Service is \$250/month.
- Services include daily trips, as necessary, to the DWC to deliver, sign for, and pick up mail, date-stamp, sort, and electronically redistribute the mail to a distribution list selected by the client. This is a same-day service to Williamson County also includes receipt of and signing for DWC mail and Compliance materials. Austin Carrier Representative services additionally include managing the on-line carrier information requirements of Rule 124.2 through TXCOMP, responding to general questions on matters that do not require a written opinion, in-office claims representative training, notifications of significant DWC Advisories or rule changes that may result in possible violations and/or penalties against Williamson County, and monitoring and tracking all workers' compensation legislation filed in the Texas Legislature. Other administrative services (designated doctor analysis letters, submission of response to requests for information, etc.) will be billed on a time and expense basis.

DWC ADMINISTRATIVE HEARING SERVICES

Benefit Review Conferences

- **Attorney:** Time & Expense at \$175.00/hour.
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$60.00/hour.
- Services include review of claim file, preparation of Rule 141 Exchange of Documentary Evidence, submission of reports as necessary at least two weeks prior to the conference, communications with adjuster before and after the Benefit Review Conference (BRC), communications with opposing counsel if an agreement may be reached, preparation for BRC, legal research, communications with witnesses and experts as necessary, maintain accurate information in the file regarding efforts to conclude the claim, offers of settlement/resolution made, and responses received, obtain resolution/settlement authority (as needed) from senior workers' compensation management prior to any conference, attend all Benefit Review Conferences, make recommendations as to whether adjusters need to be present at the BRC, and submit a post-BRC report within 48 business hours of the hearing including any claimant/attorney offers and any recommendations.

Contested Case Hearings/Arbitration

- **Attorney:** Time & Expense at \$175.00/hour.
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$60.00/hour.
- Services include review of claim file, preparation of Contested Case Hearing (CCH) Exchange of Documentary Evidence, Witness List, and Interrogatories, preparation of CCH Exhibits, communications with adjuster before and after the CCH, submission of reports as necessary at least two weeks prior to the hearing, communications with opposing counsel, preparation for CCH, requests for and preparation of subpoenas, depositions, or other discovery, legal research, communications with witnesses and experts as necessary, obtain resolution/settlement authority (as needed) from senior workers' compensation management prior to any hearing, attend all Contested Case Hearings, make recommendations as to whether adjusters need to be present at the CCH, and submit a post-CCH report within 48 business hours of the hearing including any claimant/attorney offers and any recommendations. Actual expenses, such as expert witness fees, fees for service of subpoenas or deposition questions, private investigator fees, copying fees for copies in excess of 100 pages, express delivery postage, and vendor fees for preparation of expert reports, will be additional. No experts will be hired without prior approval from the workers' compensation claims handler. No claims settlements/resolutions will be made without approval by senior workers' compensation management, and evidence of settlement authority and documentation of all attempts to settle will be fully documented in the claims file.

Appeals Panel Briefs

- **Attorney:** Time & Expense at \$175.00/hour
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$60.00
- Services include obtaining authority from the senior workers' compensation management for filing an appeal, drafting and filing a written appeal no later than the 15th day after the decision of the Hearing Officer is received (or as required by the TDI/DWC rules), and filing a written response with the Appeals Panel no later than the 15th day after request for appeal is served on Williamson County should the employee file an appeal.

MEDICAL DISPUTE RESOLUTION HEARINGS

At the DWC level through the IRO Process

- **Attorney:** Time & Expense at \$175.00/hour
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$60.00/hour
- Services include the same services listed above for administrative hearings

Judicial Review in District Court/Representation before SOAH

- **Attorney:** Time & Expense at \$250.00/hour
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$70.00/hour
- Services include the same services listed above for administrative hearings with the addition of representation in Austin before SOAH.

Actual expenses, such as expert witness fees, fees for service of subpoenas or deposition questions, court reporter's fees, fees for copies, express delivery postage, fees for obtaining records from medical providers, fees for copies of DWC files, and vendor fees for preparation of expert reports, will be additional.

SYSTEM MONITORING AND OVERSIGHT (including audits)

- **Attorney:** Time & Expense at \$225.00/hour
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$70.00/hour
- Services include review and assistance with responses to requests for documents, negotiation of enforcement actions, and assistance with reduction of any proposed fines or penalties.
- An annual audit of the claims administration of the workers' compensation program assesses the efficiency, effectiveness, and the consistency of the claims adjusting unit and ensures all provisions of the contract for services are being adhered to.
- Additional performance reviews and audits may be performed upon request of the client. The engagement letter for any audit or compliance matter will include the scope of the audit, the purpose of the audit, delineation of the types and numbers of files to be reviewed, and the location and times for the reviews. Audits for Williamson County may include preauthorization performance audits, audits for timely payments of medical bills and/or indemnity benefits or DWC Audits. Additional audits include biannual audit for compliance with TDI's Performance Based Oversight measures or Electronic Data Interchange requirements in accordance with Texas Administrative Code Sections 134.800 et. seq., and will include outcome analysis. The EDI audits may include analysis or whether EDI forms are filed timely and with proper identification, testing, and TDI approval, and may include ensuring compliance with all data elements, including recent changes to data elements.

LITIGATION/SUBROGATION FEE SCHEDULE

- **Partner:** Time & Expense at \$250.00/hour
- **Associate:** Time & Expense at \$200.00/hour
- **Paralegal or Licensed Legal Assistant** \$70.00/hour

All Litigation Expenses are charged on an actual basis, except for copies (\$.20 per page), overnight mail (\$25.00) and postage (Certified Mail Return Receipt Requested \$5.00)

OTHER LEGAL SERVICES

Other Attorney Services, including trial preparation, litigation services statewide, written Legal Opinions, and work before the DWC not itemized above, are available at the hourly rates listed below:

- **Attorney:** Time & Expense at \$200.00/hour
- **Paralegal or Licensed Legal Assistant:** Time and Expense \$60.00/hour

Actual expenses will be charged, except on hearings where mileage is required versus actual airfare, etc.

*Currently, there is no applicable sales tax or other governmental tax for legal services. In the event such a tax is imposed on these services, the tax will be added to the amounts charged unless you obtain a lawful exemption.