**Section 2720.20 Attorney Representation of Claimants**

a) Attorneys for claimants must file an Attorney Appearance and Authorization for Representation form signed by the claimant and his or her attorney. This form must be filed with the Department prior to a hearing before an Adjudicator or Referee, or prior to the decision of an Adjudicator, Referee, or Board of Review, whichever occurs first after the attorney begins his or her representation of the claimant.

b) Absent prior approval by the Board of Review under subsection (c), an attorney representing a claimant may not charge or receive more than:

1) 15% of the amount of the weekly benefits in a claim series received by the claimant after the claimant hires the attorney; or

2) $150 per hour, whichever is greater.

c) If an attorney believes that the fee arrived at pursuant to subsection (b) is inadequate, the attorney may file a request with the Board of Review setting forth the facts supporting the attorney's claim for additional fees. The requests shall include the attorney's certification that the claimant was served with a copy of the request. The Board of Review shall grant or deny the request in whole or in part based on whether the complexity of the case, the result obtained, the expertise required and the time expended in rendering legal services warrant a fee in excess of that allowable under subsection (b).

d) A claimant wishing to comment on or object to a request for additional fees under subsection (c) shall do so in writing to the Board of Review within 10 days after the request is served on him or her. All decisions regarding requests for additional fees shall articulate the reasons for the grant or denial of the request and shall be final administrative decisions. Nothing in this Section shall be construed as prohibiting an attorney from collecting the sum allowable under subsection (b) prior to the decision of the Board of Review.

e) A claimant or employer may authorize an attorney or his or her designated agent to review the Department file regarding the claimant or employer for the purpose of determining whether to represent the claimant or employer in proceedings before the Department. The authorization shall be in writing and may be delivered to the Department office applicable to the particular claimant's or employer's case. Upon delivery of the authorization to the applicable Department office, the attorney or his or her designated agent may review the file without filing an appearance form or becoming the claimant's or employer's counsel of record.

(Source: Amended at 43 Ill. Reg. 6385, effective May 14, 2019)