**90­351 WORKERS' COMPENSATION BOARD**

**Chapter 19: WORKER ADVOCATES**

**§ 1. Declining or ceasing assistance**

1. An advocate or advocate attorney requesting permission to decline a case or cease representation of an employee pursuant to 39-A M.R.S.A. §153-A(6) or this rule shall send a copy of the written request to decline or cease assistance to the employee at the same time the advocate or advocate attorney sends the written request to the staff attorney.
2. In addition to the case management authority established in 39-A M.R.S.A. §153-A(6), an advocate or advocate attorney may, with the written approval of the staff attorney, decline cases or cease assistance to an employee when the advocate or advocate attorney finds:
3. withdrawal can be accomplished without material adverse effect on

the interests of the employee;

1. the employee persists in a course of action involving the advocate’s or advocate attorney’s services that the advocate or advocate attorney reasonably believes is criminal or fraudulent;
2. the employee has used the advocate’s or advocate attorney’s services to perpetrate a crime or fraud; or,
3. the employee fails substantially to fulfill an obligation to the advocate or advocate attorney regarding the advocate’s or advocate attorney’s services and has been given reasonable warning that the advocate or advocate attorney will withdraw unless the obligation is fulfilled.
4. Upon termination of representation, an advocate or advocate attorney shall take steps to the extent reasonably practicable to protect an employee’s interests, including giving reasonable notice to the employee, allowing time to find alternate representation and returning the employee’s file.

EFFECTIVE DATE:

 August 14, 2014 – filing 2014-185