



Certificate of Non-Representation (CNR)

Tennessee Bureau of Workers' Compensation

www.tn.gov/workerscomp wc.ombudsman@tn.gov 1-800-332-2667

Applies to injuries on or after July 1, 2016

State File Number: _____ Docket Number: _____

Telephone Number: _____ Email: _____

I, _____, am requesting the assistance of an ombudsman attorney. I am not represented by an attorney for my workers' compensation claim. I know I have the right to obtain an attorney at any time. If I hire an attorney, I know that my attorney must immediately contact the Bureau and terminate the ombudsman attorney's services. I am also aware that I may conclude this assistance at any time by notifying the Bureau or informing the ombudsman attorney.

Nature of the Ombudsman Attorney Service

I understand Tennessee law permits the ombudsman attorney to provide limited legal advice without providing legal representation. I understand the ombudsman attorney **is not my attorney** and will not make arguments, submit evidence, or present my case to a court for me.

I understand an ombudsman attorney is an employee of the state of Tennessee and the Bureau of Workers' Compensation. The ombudsman attorney may provide information regarding my rights and responsibilities, explain the process for resolving my claim, and discuss court procedures consistent with the attached guidelines.

Extent of Services

I understand the service provided to me only extends to the service I request within the limits of Formal Ethics Opinion 2017-F-162. For example, if I need help completing a form, I will receive assistance with completing the form, but I will be responsible for properly filing the form.

Public Records - Record Keeping

I understand that all information and records submitted to the ombudsman attorney will be retained in accordance with Tennessee law governing the retention of public records. The records will be available to the public in accordance with Tennessee law governing the release of public records. I understand that **I do not have an attorney-client relationship** with the ombudsman attorney. I also understand conversations between us are not confidential and may be documented in the Bureau of Workers' Compensation computer system or files.

Non-Represented Party's Responsibilities

I understand that I have the responsibility to ask questions, to make my own decisions and to present my case to the mediator and to the court. The outcome of my claim is based on many factors, including my ability to incorporate the advice I receive, how I present my case, and application of the Workers' Compensation Law to the particular facts of my case.

I have carefully read this document and I agree that I have been fully informed of the limitations on the services provided by the ombudsman attorney and with my signature below provide written consent to the limitations established by Formal Ethics Opinion 2017-F-162 as attached. I understand that there is no attorney-client relationship created by this agreement and that the ombudsman attorney is not my lawyer and does not represent me.

Print Name _____ Signature _____ Date _____

Ombudsman Attorney Guidelines

See Formal Ethics Opinion 2017-F-162

An Ombudsman Attorney may:

- Explain basic legal principles, such as causation, notice, statute of limitations, etc.
- Explain the standard of proof required to prevail (preponderance of the evidence).
- Explain the elements of the employee's cause of action (i.e., "primarily arising out of" and "in the course and scope" of employment).
- Explain any affirmative defenses raised by the employer, what the employer must show to establish the defense, and what information the employee may need to provide when faced with such a defense.
- Explain what medical proof may be needed and suggest avenues to obtain that information.
- Explain procedures, such as what a party can expect in an expedited hearing or the procedure for appealing an adverse decision (i.e., how long to file the notice of appeal, how to obtain a transcript, etc.)
- While refraining from advising a party or potential party regarding whether they should settle their claim; explain the methodology for calculating a compensation rate and an award of permanent disability benefits.
- Address legal questions from other ombudsmen and/or mediators.
- Refer parties or potential parties to forms, templates, examples of motions, and other sources of information, such as UT-Trace (for court opinions), Medical Impairment Registry, Medical Fee Schedule, etc.
- Stress the importance of submitting relevant documents and other information to the courts
- Provide contact information, such as for the clerks of the trial court, appeals board, or Supreme Court.
- Provide applicable rules, statutes, and case law as they apply to *general* principles of workers' compensation.
- Evaluate the claim and explain the strengths and weaknesses of the case to the pro se litigant.
- Generally explain the purpose of a deposition, routine deposition questions, the proper method of asking questions and introducing documents, and common objections.
- Explain what constitutes admissible evidence and the process for admitting evidence during a hearing or trial.

Ombudsmen attorneys shall refrain from each of the following:

- Court appearances with or on behalf of any person or entity.
- Settlement conference appearances with or on behalf of any person or entity.
- Deposition appearances with or on behalf of any person or entity.
- Filing documents in the trial court or on appeal for or on behalf of any party or their representatives.
- Drafting documents or correspondence, including emails, for or on behalf of any party or potential party.
- Review or critique written materials or oral presentations prior to the submission for mediation or court proceedings.
- Perform legal research on the behalf of the pro se litigant.

- Communicating, orally or in writing, with the opposing party or their representatives, including legal counsel.
- Communicating, orally or in writing, with health care providers or any other person or entity, including insurance companies and their representatives, about the claim or potential claim.
- Communicating, orally or in writing, with any judge of the Court of Workers' Compensation Claims or Appeals Board for or on behalf of a party or potential party.
- Testify or otherwise disclose confidential information.
- Make attorney referrals,
- Advise a party or potential party regarding the value of the claim.
- Advise a party regarding what issues to raise on appeal.