

By: Fletcher

H.B. No. 3915

A BILL TO BE ENTITLED

AN ACT

relating to barratry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 82.065, Government Code, is amended by adding Subsection (c) to read as follows:

(c) If a client proves by a preponderance of the evidence in a civil action that the client paid a fee to an attorney or other person under a contingent fee contract that was procured as a result of conduct described by the Texas Penal Code sections 38.12 (Barratry), 38.122 (Falsely Holding Oneself Out as a Lawyer), or 38.123 (Unauthorized Practice of Law), or as result of conduct described as misconduct in Rule 8.04 of the Disciplinary Rules of the State Bar of Texas, the client may recover from all persons and attorneys involved in such procurement and from all attorneys involved in representation of the client:

(1) all amounts paid to or received by the persons and attorneys involved in such procurement and the attorneys involved in representation of the client under the contingent fee contract;

(2) an additional two times the amounts paid to or received by any such attorney or person if such attorney or person knowingly procured the contract through conduct described by the Texas Penal Code sections 38.12, 38.122, or 38.123, or by Rule 8.04 of the Disciplinary Rules of the State Bar of Texas;

(3) reasonable and necessary attorney fees and court

1 costs incurred by the client in the civil action; and
2 (4) prejudgment and post-judgment interest as
3 provided by law.

4 SECTION 2. The change in law made by this Act applies to a
5 contract executed under Section 82.065(a), Government Code after
6 the effective date of this Act.

7 SECTION 3. This Act takes effect September 1, 2009.