

By: Stick

H.B. No. 2406

A BILL TO BE ENTITLED

1 AN ACT

2 relating to computation of certain legal fees in workers'
3 compensation benefit matters.

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

5 SECTION 1. Section 408.221, Labor Code, is amended by
6 amending Subsection (f) and adding Subsection (j) to read as
7 follows:

8 (f) Subject to Subsection (j), the ~~[The]~~ commission by rule
9 shall provide guidelines for maximum attorney's fees for specific
10 services in accordance with this section.

11 (j) The maximum hourly rate for an attorney's fee subject to
12 this section is 35 percent of the state average weekly wage. The
13 maximum hourly rate for a legal assistant's fee subject to this
14 section is 12 percent of the state average weekly wage. For
15 purposes of this subsection, "state average weekly wage" means the
16 wage computed under Section 408.047.

17 SECTION 2. This Act takes effect September 1, 2003, and
18 applies only to legal fees based on a claim for workers'
19 compensation benefits resulting from a compensable injury that
20 occurs on or after that date. Fees based on a claim resulting from
21 a compensable injury that occurs before that date are governed by
22 the law in effect on the date the compensable injury occurred, and
23 the former law is continued in effect for that purpose.