

Amend **HB 148** (House engrossment) as follows:

(1) In SECTION 2 of the bill, strike "The change in law made by this Act applies" and substitute "Section 38.12(d), Penal Code, as amended by this Act,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 82, Government Code, is amended by adding Section 82.067 to read as follows:

Sec. 82.067. CLIENT CAUSE OF ACTION. (a) A client may bring a civil action against any person who knowingly engages in conduct prohibited by:

(1) the following sections of the Penal Code:

(A) Section 38.12 (Barratry and Solicitation of Professional Employment);

(B) Section 38.122 (Falsely Holding Oneself Out as a Lawyer); or

(C) Section 38.123 (Unauthorized Practice of Law); or

(2) Rule 8.04 (a)(9), Texas Disciplinary Rules of Professional Conduct.

(b) A client who prevails in an action under this section may recover the following as damages:

(1) all amounts paid to or received by the person as a result of the conduct on which the cause of action is based;

(2) at the discretion of the fact-finder and as a penalty based on the severity of the wrongful conduct, up to an additional two times the amounts paid to or received by the person as a result of such conduct;

(3) reasonable and necessary attorney's fees and court costs incurred by the client in the action; and

(4) prejudgment and post-judgment interest as provided by law.

(c) The standard of proof for proving a cause of action under this section shall be by a preponderance of the evidence.

(d) For the purposes of this section, a person acts "knowingly" when the person has actual awareness of the nature of the person's conduct or that the circumstances exist, or has actual

awareness that the person's conduct is reasonably certain to cause the result. For the purposes of this section, "actual awareness" may be inferred where objective manifestations indicate that a person acted with actual awareness.

SECTION _____. Section 82.067, Government Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.