

## **BILL ANALYSIS**

C.S.H.B. 1871  
By: Giddings  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, if an injured employee covered by workers' compensation hires an attorney to assist in the pursuit of the employee's benefits and later decides to seek other counsel, the injured employee may have difficulty obtaining such legal representation from another attorney if the bill for the original attorney's fees has been submitted but remains unpaid pending resolution of the injured employee's case and the injured employee receives or recovers the benefits at issue. C.S.H.B. 1871 seeks to address the issue of an injured worker in Texas being unable to obtain legal representation from more than one attorney.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1871 amends the Labor Code to specify that payment of an attorney's fee for representing an employee or legal beneficiary in a matter relating to the protection of rights to an unpaid income or death benefit involving a workers' compensation lien or claim must be made in proportionate shares to each attorney with an outstanding lien if more than one attorney has an outstanding lien. The bill makes the provision capping the amount of an attorney's fee payable to a claimant's counsel in a matter involving workers' compensation benefits at 25 percent of the claimant's recovery applicable to the aggregated fees of more than one attorney.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1871 differs from the original by specifying that payment of an attorney's fee for representing an employee or legal beneficiary in a matter relating to the protection of rights to an unpaid income or death benefit involving a workers' compensation lien or claim must be made in proportionate shares to each attorney with an outstanding lien if more than one attorney has an outstanding lien, whereas the original specifies that payment of such a fee must be made in equal shares to each attorney.