

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1890 by Fletcher (Relating to the offense of prohibited barratry and solicitation, liability for contingent fee contracts for legal services, and attorney general prosecution of certain offenses.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code, the Civil Practice and Remedies Code, and the Penal Code as they relate to the offense of prohibited barratry and solicitation, liability for contingent fee contracts for legal services, and attorney general prosecution of certain offenses. The bill would amend the Government Code by allowing an attorney's client to bring a legal action to void a contingent fee contract for legal services related to a voidable contract, and by allowing an attorney to recover legal fees relating to a voidable contract based on a quantum meruit theory. The bill would also allow a person affected by prohibited barratry and solicitation to bring a legal action to recover payments, damages, penalties, fees and costs, interest, and injunctive relief.

The bill would amend the Civil Practice and Remedies Code to remove the limitation on exemplary damages available to a plaintiff based on the prohibited barratry and solicitation conduct. The bill would amend the Penal Code by including not just the professional, but the employee or agent of the professional related to the offense of prohibited barratry and solicitation. The bill would also amend the Penal Code by providing discretionary jurisdiction to the attorney general to prosecute prohibited barratry and solicitation offenses. The bill would take effect September 1, 2011.

The Court of Criminal Appeals anticipates no significant fiscal impact to the State from this bill. The Office of the Attorney General anticipates that any legal work resulting from the passage of this bill could be reasonably absorbed with current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 211 Court of Criminal Appeals, 302 Office of the Attorney General

LBB Staff: JOB, JT, GG, ADM