

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 29, 2011**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

**IN RE: SB1716** by Duncan (Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code to add a cause of action for a client who has been unlawfully solicited to void the contract and recover any actual damages and any fees and expenses paid. The bill allows a potential client to recover a civil penalty of \$10,000 from any person who committed barratry but did not succeed in getting the potential client to sign a contract. The bill would provide for damages and attorney's fees to be also recoverable by a potential client, and a recover of reasonable fees and expenses for attorneys found not to have committed barratry or have known the contract procured was a result of barratry by another person. To the extent the bill would result in additional causes of civil action, no significant fiscal implication to the state is anticipated. The bill would take effect September 1, 2011.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, TB, KJG