

Amend CSSB 1628 (senate committee printing) as follows:

(1) In SECTION 10 of the bill, after amended Section 542.060(b), Insurance Code (page 4, between lines 4 and 5), insert the following appropriately lettered subsections and reletter subsections of amended Section 542.060, Insurance Code, appropriately:

() In determining the amount of attorney's fees awarded under Subsection (a), the trier of fact shall consider:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude other employment by the attorney;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the claimant or by the circumstances;

(6) the nature and length of the professional relationship with the claimant;

(7) the experience, reputation, and ability of the attorney performing the services; and

(8) whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

() An attorney may not share attorney's fees awarded under Subsection (a) with the claimant. If a court finds that an attorney has violated this subsection, the court shall order the attorney to pay a penalty in an amount equal to two times the amount shared with the claimant. A penalty under this section is payable to the court.