

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1821
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Jurisprudence
4/7/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, the legislature passed H.B. 2826 — a bill addressing how political subdivisions of the state contract with contingency fee lawyers. Unfortunately, certain school districts are colluding with contingency fee lawyers to avoid application of that statute by "amending" their previous contingency fee contracts with those lawyers.

S.B. 1821 prevents this by specifying that — for purposes of H.B. 2826 (86R) — the definition of a "contingent fee contract" includes amendments to such contracts that (1) change the scope of the representation or (2) may result in the filing of a new lawsuit or the amending of a petition in an existing lawsuit.

(Original Author's/ Sponsor's Statement of Intent)

C.S.S.B. 1821 amends current law relating to procurement of a contingent fee contract for legal services by certain governmental entities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2254.101(2), Government Code, as follows:

(2) Redefines "contingent fee contract," for purposes of Subchapter C (Contingent Fee Contract for Legal Services), to include an amendment to a contract for legal services described by this subdivision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2021.