

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Adams, Mahon, Negron, Ross and Simmons offered the following:

**Amendment**

Remove line(s) 4583 to 4639, and insert:

5 percent of the benefits secured after 10 years. In the alternative, if the judge of compensation claims concludes that the percentage fee outlined herein does not fairly compensate the attorney, the judge of compensation claims may award a reasonable hourly attorney's fee not to exceed \$150 per hour, and for a maximum amount of \$5,000. The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter that provides for an attorney's fee in excess of the amount permitted by this

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28 section. The judge of compensation claims is not required to  
29 approve any retainer agreement between the claimant and his or  
30 her attorney. The retainer agreement as to fees and costs may  
31 not be for compensation in excess of the amount allowed under  
32 this section. However, The judge of compensation claims shall  
33 consider the following factors in each case and may increase or  
34 decrease the attorney's fee if, in her or his judgment, the  
35 circumstances of the particular case warrant such action:

36 (a) ~~The time and labor required, the novelty and~~  
37 ~~difficulty of the questions involved, and the skill requisite to~~  
38 ~~perform the legal service properly.~~

39 (b) ~~The fee customarily charged in the locality for~~  
40 ~~similar legal services.~~

41 (c) ~~The amount involved in the controversy and the~~  
42 ~~benefits resulting to the claimant.~~

43 (d) ~~The time limitation imposed by the claimant or the~~  
44 ~~circumstances.~~

45 (e) ~~The experience, reputation, and ability of the lawyer~~  
46 ~~or lawyers performing services.~~

47 (f) ~~The contingency or certainty of a fee.~~

48 (2) In awarding a ~~reasonable~~ claimant's attorney's fee,  
49 the judge of compensation claims shall consider only those  
50 benefits secured by to the claimant that the attorney is  
51 responsible for securing. An attorney is not entitled to  
52 attorney's fees for representation in any issue that was ripe,  
53 due, and owing and that reasonably could have been addressed,  
54 but was not addressed, during the pendency of other issues for  
55 the same injury. The amount, statutory basis, and type of  
56 benefits obtained through legal representation shall be listed

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57 on all attorney's fees awarded by the judge of compensation  
58 claims. For purposes of this section, the term "benefits  
59 secured" ~~means benefits obtained as a result of the claimant's~~  
60 ~~attorney's legal services rendered in connection with the claim~~  
61 ~~for benefits. However, such term~~ does not include future  
62 medical benefits to be provided on any date more than 5 years  
63 after the date the claim is filed.  
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