

HOUSE BILL 1453

By Coleman

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 26, relative to certain civil causes of
action.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-26-120, is amended by deleting the section in its entirety and by substituting instead the following:

§ 29-26-120.

(a) Compensation for reasonable attorneys' fees in the event an employment contract exists between the claimant and claimant's attorney on a contingent fee arrangement shall be awarded to the claimant's attorney in a malpractice action in an amount to be determined by the court on the basis of time and effort devoted to the litigation by the claimant's attorney, complexity of the claim and other pertinent matters in connection therewith, not to exceed thirty-three and one third percent (33 1/3%) of all damages awarded to the claimant.

(b) If the court determines the amount of attorney fees to be awarded pursuant to subsection (a) or if the court determines that an agreed upon amount is reasonable given the factors of the case, then the court's determination as to these fees shall be conclusive proof that the amount is reasonable in any subsequent action before the board of professional responsibility that is based upon a complaint concerning the amount or reasonableness of the fees charged by an attorney in a medical malpractice action.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.