

**For Immediate Release**

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## **TEXAS BAR URGED TO REQUIRE ATTORNEYS TO REPORT EXCESSIVE FEES**

The Washington Legal Foundation (WLF) petitioned the Texas Bar to require attorneys to file with Bar authorities copies of all court decisions where a judge has reduced their fee awards as being excessive or improper so that appropriate disciplinary proceedings against those attorneys may be instituted. WLF has filed similar petitions in Florida and Alabama and plans to file petitions in other states as well.

All State Bars prohibit attorneys from charging or collecting unreasonable or excessive fees. Disciplinary actions have been taken against attorneys following a complaint to Bar authorities by a client that the attorney has charged an excessive fee. However, in many cases, a court will reduce a fee award where the attorney is required to submit his or her fee request for court approval. In those cases, a complaint is usually not filed, even though it has been judicially determined that the fee was excessive. Such findings are made where the court determines that the fee application contains inflated or false claims, or where the amount awarded is excessive based on the amount of work performed, such as in class action cases. WLF's petition would require attorneys to "self report" by filing those decisions with the Bar so that the Bar can decide whether disciplinary proceedings are appropriate.

"Plaintiffs' attorneys must not be allowed to escape the disciplinary process for charging excessive fees just because a complaint was not filed with Bar authorities," said Paul D. Kamenar, WLF's Senior Executive Counsel. "By requiring attorneys to report adverse court decisions, the Bar will be better equipped to take appropriate action," said Kamenar.

WLF's SCALES Project is a nationwide program designed to eliminate abuse in America's civil justice system and improve the professional standards of America's lawyers. WLF's Texas petition is part of the fifth phase of WLF's SCALES project. Earlier phases addressed attorney advertising, contingency fee agreements, public access to the disciplinary process, and limitations on campaign contributions to judges by attorneys who practice before them. Several states have adopted reforms outlined in the WLF petitions, and others are considering them.

For further information, contact WLF General Counsel Daniel J. Popeo or WLF Senior Executive Counsel Paul D. Kamenar at (202) 588-0302.