
SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 103
by Senator Foil

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 9:5605(A)" to "R.S. 9:5605(A) and to enact R.S. 9:5605.2,"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "required;" insert "to provide relative to collectability of damages;"

5 AMENDMENT NO. 3

6 On page 1, line 5, after "and reenacted" insert "and R.S. 9:5605.2 is hereby enacted"

7 AMENDMENT NO. 4

8 On page 2, after line 11, insert the following:

9 **"§5605.2 Collectability rule**

10 **In any action for damages by a client against an attorney, the client's**
11 **recovery against the attorney shall be limited to the amount of damages which**
12 **the attorney shows by a preponderance of the evidence would have been the**
13 **maximum amount of damages that the client could have collected in the client's**
14 **underlying action in which he was represented by the attorney.**

15 Section 2: The provisions of this Act are intended to legislatively overrule the
16 holding that collectability of damages against the tortfeasor in an underlying lawsuit is not
17 an affirmative defense to a legal malpractice action, as held in the Louisiana Supreme Court
18 decision, *Ewing v. Westport Ins. Co.*, 315 So.3d 175 (La. 2020).

19 Section 3. This Act shall become effective on July 1, 2022."