The original instrument was drafted by Whitney Kauffeld. The following digest, which constitutes no part of the legislative instrument, was prepared by Lebra Bias.

DIGEST

SB 103 Engrossed 2022 Regular Session Foil

Present law provides for the time limitations for filing a legal malpractice claim.

Proposed law retains present law and provides an additional burden on the plaintiff to prove by a preponderance of evidence: (1) that the representation by the attorney would have concluded in a collectable monetary award amount and (2) the value of that collectable award amount had the attorney not committed the alleged malpractice.

Proposed law provides that the client's recovery against the attorney is limited to the amount that would have been awarded in the client's underlying claim in which the client was represented by the attorney.

Effective July 1, 2022.

(Amends R.S. 9:5605(A) and (B); adds R.S. 9:5605.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical changes.

2. Limits collectability of damages to the amount that would have been awarded in the client's underlying claim in which the client was represented by the attorney.

3. Changes effective date from August 1, 2022, to July 1, 2022.