

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1274

By: Graves

AS INTRODUCED

An Act relating to attorney fees; providing for attorney fees to prevailing parties; establishing maximum allowable amount of fees; authorizing the court to limit fees; requiring maintenance of certain records; permitting award of costs; defining term; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 943 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. The prevailing party shall be entitled to attorney fees from the nonprevailing party with respect to, and only to the extent that party prevails on, any claim advanced during the litigation, except that the sum of the entitled attorney fees shall not exceed the attorney fees of the nonprevailing party with regard to such claim. If the nonprevailing party received services under a contingent fee contract, the sum of the entitled attorney fees shall not exceed the reasonable value of those services.

B. The court may, in its discretion, limit the fees recovered under subsection A of this section if such payment of fees is deemed unjust.

C. Counsel of record in actions under this section shall maintain accurate, up-to-date records of hours worked on the matter regardless of the fee arrangement with his client.

D. Nothing in this section shall affect the right of a prevailing party to be awarded costs under applicable law.

E. For purposes of this section, the term prevailing party means a party to an action who obtains a final judgment, other than by settlement, exclusive of interest on all or a portion of the claims asserted during the litigation.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5769

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