

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1817

By: Calvey

AS INTRODUCED

An Act relating to attorneys; creating the Legal Consumer's Bill of Rights; providing short title; requiring attorneys to attach the Legal Consumer's Bill of Rights to written retainer agreements and contracts for legal services; stating rights of legal consumers; providing rights of consumers after an event resulting in personal injury or death; requiring attorney to disclose certain information in relation to fees; providing for enforcement; providing for the expansion of the Professional Responsibility Commission of the Oklahoma Bar Association; providing for codification; providing for noncodification; 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 21 of Title 5, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Legal Consumer's Bill of Rights". Each attorney licensed to practice law in this state shall append to every written retainer agreement or contract for legal services the Legal Consumer's Bill of Rights set forth in Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22 of Title 5, unless there is created a duplication in numbering, reads as follows:

- A. You have the right to control your own legal affairs.
 - 1. Your attorney shall, at your request:
 - a. keep you informed about the status of your matter,
 - b. promptly answer your questions,
 - c. promptly return your phone calls,

- d. disclose any alternatives available to you for resolving your matter, and
- e. disclose the risks and benefits of each decision and alternative.

2. You shall make all the key decisions in your matter, including whether and on what terms to settle a dispute or lawsuit.

B. You have the right to be fully informed about the costs and fees associated with your legal matter.

1. Your lawyer must disclose:

- a. all alternative fee arrangements,
- b. total anticipated fees and expenses through trial,
- c. total anticipated costs, and
- d. referral fees paid to other attorneys.

2. Your lawyer must:

- a. sign a written fee agreement that spells out the terms of every representation,
- b. agree not to exceed estimated costs and fees without your consent,
- c. agree to return any unspent portion of your retainer or other advanced payment, and
- d. make full use of economical and efficient legal support services such as paralegal and legal secretaries, as well as your own personal services to reduce the costs to you.

C. You have the right to retain qualified legal representation.

1. Your lawyer must:

- a. provide timely, thorough, professional legal services,
- b. advise you to solicit or arrange for co-counsel if the lawyer is not qualified to represent you in the areas of the law relevant to your matter,
- c. respect your right to privacy and your confidential information,

- d. not neglect your matter,
- e. ensure that he or she does not have a conflict of interest representing you,
- f. maintain accurate records, and
- g. provide you, upon your request, with copies of all court documents and letters that your lawyer produces or receives while representing you.

2. You have the right to an accessible legal system.

If you are not satisfied with the legal services that you have retained, or with how your matter is being handled, you have the right to file a complaint with the Office of General Counsel of the Oklahoma Bar Association, which shall investigate your complaint. The General Counsel will report the results of the investigation to the Professional Responsibility Commission of the Oklahoma Bar Association. The Commission has the authority to vote for the filing of formal charges with the Oklahoma Supreme Court.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 23 of Title 5, unless there is created a duplication in numbering, reads as follows:

You have the right to be left free from unsolicited contact by plaintiff or defense attorneys or any of their representatives for thirty (30) days after an event resulting in personal injury or death.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24 of Title 5, unless there is created a duplication in numbering, reads as follows:

An attorney retained by a claimant in connection with a personal injury claim shall, within a reasonable time, but not later than thirty (30) days after the personal injury claim is finally settled or adjudicated, disclose the following to the client:

1. The actual number of hours of the attorney's services expended in connection with the personal injury claim;

2. The total amount of the hourly fees or contingent fee for the attorney's services in connection with the personal injury claim; and

3. The actual fee per hour of the attorney's services in connection with the personal injury claim, determined by dividing the total amount of the hourly fees, less itemized expenses, or the total contingent fee by the actual number of hours of the attorney's services.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 25 of Title 5, unless there is created a duplication in numbering, reads as follows:

Remedies under the Legal Consumer's Bill of Rights shall be made in contract law.

SECTION 6. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

By January 1, 2003, the Professional Responsibility Commission of the Oklahoma Bar Association is to be expanded to eleven (11) members. The four additional members shall be nonlawyers. Two of the additional members shall be appointed by the Governor. One of the additional members shall be appointed by the Speaker of the House of Representatives and one shall be appointed by the President Pro Tempore of the Senate.

SECTION 7. This act shall become effective November 1, 2001.

48-1-5796 SD 6/12/15