

1 ENGROSSED HOUSE  
2 BILL NO. 2817

By: Sullivan, Tibbs and  
Reynolds of the House

3 and

4 Williamson of the Senate  
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8 An Act relating to attorneys; amending 5 O.S. 2001,  
9 Section 9, which relates to attorney fees; providing  
10 maximum award of fees under theory of quantum meruit  
if attorney fee agreement or contingent fee agreement  
exists; and providing an effective date.

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

14 SECTION 1. AMENDATORY 5 O.S. 2001, Section 9, is amended  
15 to read as follows:

16 Section 9. Should the amount of the ~~attorney's~~ attorney fees be  
17 agreed upon in the contract of employment or attorney fee agreement,  
18 then ~~such attorney's~~ the lien of the attorney and cause of action  
19 against ~~such~~ the adverse party shall be for the amount or portion of  
20 the property so agreed upon. If the fee ~~be~~ is not fixed by contract  
21 or agreement, the lien and cause of action, ~~as aforesaid~~, shall be  
22 for a reasonable amount for not only the services actually rendered  
23 by ~~such~~ the attorney, but for a sum, which it might be reasonably  
24 supposed, would have been earned by ~~him~~, the attorney had ~~he~~ the

1 attorney been permitted to complete ~~his~~ the contract, and been  
2 successful in the action, ~~and such.~~ The attorney, in order to  
3 recover, need not establish that ~~his~~ the client, if the case has  
4 gone to trial, would have been successful in the action, but the  
5 fact of settlement shall be sufficient without other proof to  
6 establish that the party making the settlement was liable in the  
7 action. Should the contract be for a contingent fee and specify the  
8 amount for which action is to be filed, then the lien and cause of  
9 action, ~~as aforesaid~~ shall be for the amount contracted for if fixed  
10 at a definite sum of money or for the percentage of the amount or  
11 property sued for as mentioned in ~~said~~ the contract or agreement  
12 where the fee is fixed on a percentage basis, not exceeding  
13 thirty-three and one-third percent (33 1/3%) of the amount sued on  
14 where the settlement is before a verdict or judgment and, if made  
15 after verdict or judgment, then the full contract price. If an  
16 attorney fee agreement or contingent fee agreement exists, an award  
17 of attorney fees under quantum meruit shall not exceed the  
18 reasonable amount to which the attorney would have been entitled  
19 pursuant to the attorney fee agreement or contingent fee agreement.

20 SECTION 2. This act shall become effective November 1, 2008.  
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1 Passed the House of Representatives the 12th day of March, 2008.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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9 Presiding Officer of the Senate