

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 5, 2008

House Bill No. 2817

HOUSE BILL NO. 2817 - By: SULLIVAN of the House.

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

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

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

3 Section 9. Should the amount of the ~~attorney's~~ attorney fees be agreed upon in the  
4 contract of employment or attorney fee agreement, then ~~such attorney's~~ the lien of the  
5 attorney and cause of action against ~~such~~ the adverse party shall be for the amount or  
6 portion of the property so agreed upon. If the fee ~~be~~ is not fixed by contract or  
7 agreement, the lien and cause of action, ~~as aforesaid~~, shall be for a reasonable amount for  
8 not only the services actually rendered by ~~such~~ the attorney, but for a sum, which it  
9 might be reasonably supposed, would have been earned by ~~him~~, the attorney had ~~he~~ the  
10 attorney been permitted to complete ~~his~~ the contract, and been successful in the action,  
11 ~~and such~~. The attorney, in order to recover, need not establish that ~~his~~ the client, if the  
12 case has gone to trial, would have been successful in the action, but the fact of settlement  
13 shall be sufficient without other proof to establish that the party making the settlement

1 was liable in the action. Should the contract be for a contingent fee and specify the  
2 amount for which action is to be filed, then the lien and cause of action, ~~as aforesaid~~ shall  
3 be for the amount contracted for if fixed at a definite sum of money or for the percentage  
4 of the amount or property sued for as mentioned in ~~said~~ the contract or agreement where  
5 the fee is fixed on a percentage basis, not exceeding thirty-three and one-third percent  
6 (33 1/3%) of the amount sued on where the settlement is before a verdict or judgment  
7 and, if made after verdict or judgment, then the full contract price. If an attorney fee  
8 agreement or contingent fee agreement exists, an award of attorney fees under quantum  
9 meruit shall not exceed the reasonable amount to which the attorney would have been  
10 entitled pursuant to the attorney fee agreement or contingent fee agreement.

11 SECTION 2. This act shall become effective November 1, 2008.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
13 dated 03-04-08 - DO PASS.