

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

House Bill No. 1959

HOUSE BILL NO. 1959 - By: BENGE of the House.

An Act relating to attorneys and the state bar; ordering a legislative referendum pursuant to the Oklahoma Constitution; limiting amount that an attorney shall charge, demand, receive, or collect for services; providing for codification; repealing 5 O.S. 2001, Section 7, which relates to contingency fees; providing an effective date; providing ballot title; and directing filing.

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

1 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution,
2 there is hereby ordered the following legislative referendum which shall be filed with the
3 Secretary of State and addressed to the Governor of the state, who shall submit the same
4 to the people for their approval or rejection at the next General Election, to be held on
5 November 2, 2010.

6 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
7 Statutes as Section 7.2 of Title 5, unless there is created a duplication in numbering,
8 reads as follows:

9 No attorney shall charge, demand, receive, or collect for services rendered pursuant
10 to a contingency fee arrangement, fees in excess of thirty-three percent (33%) of the first
11 One Million Dollars (\$1,000,000.00) recovered and twenty percent (20%) of any amount

1 exceeding One Million Dollars (\$1,000,000.00) of any civil judgment or of any settlement
2 made pursuant to the laws of this state.

3 SECTION 3. REPEALER 5 O.S. 2001, Section 7, is hereby repealed.

4 SECTION 4. This act shall become effective December 1, 2010, if approved by a
5 vote of the people.

6 SECTION 5. The Ballot Title for the proposed legislative referendum as set forth in
7 SECTIONS 2 and 3 of this act shall be in the following form:

8 BALLOT TITLE
9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure would amend the Oklahoma Statutes. It would add a new Section 7.2
12 of Title 5 of the Oklahoma Statutes. It would require that a lawyer could not charge
13 more than a certain percentage of what a client would win in a court case. It would
14 also repeal a section of law that already exists.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL — YES _____

17 AGAINST THE PROPOSAL — NO _____

18 SECTION 6. The Chief Clerk of the House of Representatives, immediately after
19 the passage of this act, shall prepare and file one copy thereof, including the Ballot Title
20 set forth in SECTION 5 hereof, with the Secretary of State and one copy with the
21 Attorney General.

22 DIRECT TO CALENDAR: 02-25-09