

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1959

By: Bengé

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5
6 AS INTRODUCED

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

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

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

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

1 No attorney shall charge, demand, receive, or collect for
2 services rendered pursuant to a contingency fee arrangement, fees in
3 excess of thirty-three percent (33%) of the first One Million
4 Dollars (\$1,000,000.00) recovered and twenty percent (20%) of any
5 amount exceeding One Million Dollars (\$1,000,000.00) of any civil
6 judgment or of any settlement made pursuant to the laws of this
7 state.

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9 repealed.

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

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

15 BALLLOT TITLE
16 Legislative Referendum No. _____ State Question No. _____

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES _____

1 AGAINST THE PROPOSAL – NO _____

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

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8 52-1-5633 MMP 01/09/09