

**BILL SUMMARY**  
1<sup>st</sup> Session of the 55<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2155</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>5925</b>
<b>Author:</b>	<b>Rep. Echols</b>
<b>Date:</b>	<b>2/3/2015</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

Introduced HB2155 creates the Transparency in Private Attorney Contingency-Fee Contracts Act which requires the Attorney General (AG) to make a written determination, prior to the state entering into a contingency-fee contract with a private attorney, whether the decision is both cost-effective and in the public interest.

The measure limits the contingency fee afforded to a private attorney contracting with the state at \$50,000,000 and establishes the following formula to be used in determining the fee:  
25 percent of any recovery up to \$10,000,000; plus  
20 percent of any portion of the recovery between \$10,000,000 and \$15,000,000; plus  
15 percent of any portion of the recovery between \$15,000,000 and \$20,000,000; plus  
10 percent of any portion of the recovery between \$20,000,000 and \$25,000,000; plus  
5 percent of any portion of the recovery exceeding \$25,000,000.  
In addition, reasonable cost and expenses will be determined by the court and may be paid in excess of the contingency-fee limitation.

Furthermore, the measure establishes the following set of requirements that must be met throughout the duration of any contract for contingency-fee attorney services entered into by the state and overseen by the AG:

- the AG will retain complete control over the course and conduct of the case;
- the AG will assign a government attorney with supervisory authority to be personally involved in overseeing the litigation;
- the AG will have veto power over any decisions made by outside counsel;
- a defendant that is a subject of the litigation may bypass the contingency-fee counsel and contact the lead government attorneys directly;
- a government attorney with supervisory authority for the case will participate in all settlement conferences; and
- the AG will have exclusive discretion over decisions regarding settlement of the case.

Finally, the measure exempt entities charged with self-governance under the Oklahoma Constitution from the act, provided these entities will still be required to coordinate with the AG to maximize efficiency and utilization of existing state resources.

Prepared By: Quyen Do

**Fiscal Analysis**

Please see previous summary of this measure.

Prepared By: Mark Tygret

**Other Considerations**

None.

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