

# Senate Bill 362

Sponsored by Senator GEORGE; Senators FERRIOLI, GIROD, KRUSE, NELSON, STARR, WINTERS, Representatives GILLIAM, THATCHER, WINGARD (at the request of Freedom Works)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits contingent fees permitted in negligence claims. Provides that attorney may not contract for or collect contingent fee if amount of fee would result in attorney being paid in excess of \$500 per hour for services provided by attorney.

## A BILL FOR AN ACT

1  
2 Relating to contingent fees.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) An attorney may not contract for or collect a contingent fee that results**  
5 **in a violation of subsection (2) of this section for representing any person asserting a claim**  
6 **for personal injury or death, including claims for emotional injury or distress, loss of care,**  
7 **comfort, companionship and society, or loss of consortium, based on alleged negligence of a**  
8 **person.**

9 **(2) An attorney may not contract for or collect a contingent fee in an action based on a**  
10 **claim described in subsection (1) of this section if the amount of the contingent fee would**  
11 **result in the attorney being paid in excess of \$500 per hour for the services provided by the**  
12 **attorney.**

13 **(3) Any provision in a contingent fee agreement that provides for payment of a fee that**  
14 **results in a violation of subsection (2) of this section is void and of no force and effect.**

15 **(4) The limit imposed by subsection (2) of this section applies without regard to whether**  
16 **recovery on a claim is by judgment, settlement or arbitration.**

17 **SECTION 2. Section 1 of this 2009 Act applies only to contingent fee agreements entered**  
18 **into on or after the effective date of this 2009 Act.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.