

1 Senate BILL NO. 41
 2 INTRODUCED BY Sen. Turnage
 3 (Interm Judiciary Committee Bill)

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR APPROVAL
 5 OF ATTORNEY FEES IN CONNECTION WITH CLAIMS AGAINST
 6 GOVERNMENTAL ENTITIES."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Review of attorney fees for claims against
 10 state. If an award or settlement in excess of \$50,000 is
 11 granted in any claim against the state or a county,
 12 municipality, taxing district, or other political
 13 subdivision of the state, the fee of plaintiff's attorney is
 14 subject to approval by the court. The court may approve a
 15 reasonable fee with due regard to the time spent by the
 16 attorney, the complexity of the case, and the skill
 17 demonstrated by the attorney in the case.

-End-

SB41

INTRODUCED BILL

Approved by Committee
on Judiciary

1 SENATE BILL NO. 41
2 INTRODUCED BY TOME, TURNAGE
3 (Intern Judiciary Committee Bill)
4

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Refer To Introduced Bill
11 (Strike everything after the enacting clause and insert:)

12 Section 1. Court approval of attorney's fees. (1) When
13 an attorney represents or acts on behalf of a claimant or
14 any other party on a tort claim against the state or a
15 political subdivision thereof, the attorney shall file with
16 the claim a copy of the contract of employment showing
17 specifically the terms of the fee arrangement between the
18 attorney and the claimant.

19 (2) The district court may regulate the amount of the
20 attorney's fee in any tort claim against the state or a
21 political subdivision thereof. In regulating the amount of
22 the fee, the court shall consider the time the attorney was
23 required to spend on the case, the complexity of the case,
24 and any other relevant matter the court may consider
25 appropriate.

1 (3) Attorney's fees regulated under this section shall
2 be made a part of the court record and are open to the
3 public.

4 (4) If an attorney violates a provision of this
5 section, a rule of court adopted under this section, or an
6 order fixing attorney's fees under this section, he forfeits
7 the right to any fee which he may have collected or been
8 entitled to collect.

-End-

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REFERENCE BILL

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