

HB 268 INTRODUCED BY THOMAS  
CONTINGENT FEE NOT BASED ON PART OF AWARD DUE PERSON  
OTHER THAN PLAINTIFF

1/17 INTRODUCED  
1/17 REFERRED TO JUDICIARY  
2/03 HEARING  
2/03 TABLED IN COMMITTEE

1 House BILL NO. 268  
2 INTRODUCED BY Thorne

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A  
5 MONETARY AWARD IS NOT SUBJECT TO A CONTINGENT ATTORNEY FEE  
6 TO THE EXTENT THAT A PERSON OTHER THAN A PLAINTIFF IS,  
7 THROUGH SUBROGATION OR OTHERWISE, LEGALLY ENTITLED TO THE  
8 AWARD; AMENDING SECTION 25-10-301, MCA; AND PROVIDING AN  
9 APPLICABILITY DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 25-10-301, MCA, is amended to read:

13 "25-10-301. Determining compensation of attorneys. (1)  
14 The measure and mode of compensation of attorneys and  
15 counselors at law is left to agreement, express or implied,  
16 of the parties, except that:

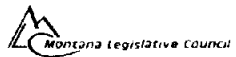
17 (a) in probate proceedings the court may fix and allow  
18 the compensation of attorneys representing administrators,  
19 executors, guardians, trustees, and agents appointed by the  
20 court; and

21 (b) a contingent fee may not be agreed to, awarded,  
22 collected, or paid with respect to that part of a monetary  
23 award that a person other than the recovering party is  
24 legally entitled to through subrogation or otherwise.

25 (2) ~~But-parties~~ Parties to actions or proceedings are

1 entitled to costs and disbursements as provided by law."  
2 NEW SECTION. Section 2. Applicability. This act  
3 applies only to attorney-client relationships entered into  
4 for a specific case on or after the effective date of this  
5 act.

-End-



-2- INTRODUCED BILL  
HB-268