

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Medical lawsuits-contingency fees.

Sponsored by: Joint Labor, Health and Social Services  
Interim Committee

A BILL

for

1 AN ACT relating to attorneys; limiting contingent fees in  
2 medical injury or death cases as specified; authorizing  
3 modification of fee awards; providing definitions; and  
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 33-5-118 is created to read:

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10 **33-5-118. Limitation of attorney contingent fees.**

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12 (a) Notwithstanding any law or court rule to the  
13 contrary, in any action for damages for injury or death  
14 against any health care provider, whether based upon tort,  
15 breach of contract or otherwise arising out of the

1 provision of, or failure to provide, health care services,  
 2 the plaintiff's attorney shall not receive a contingency  
 3 fee exceeding the following amounts:

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5	If the total settlement	The attorney's fee
6	or award is:	shall not exceed:

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8	Not more than \$50,000	40% of such amount
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10	More than \$50,000 but not	\$20,000 plus
11	more than \$100,000	33 1/3% of the
12		excess over \$50,000

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14	More than \$100,000 but less	\$36,667 plus 25% of
15	than \$200,000	the excess over
16		\$100,000

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18	\$200,000 or more	\$61,667 plus 10% of
19		the excess over
20		\$200,000.

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22 (b) Notwithstanding subsection (a) of this section,  
 23 the court in which the action was instituted may, upon  
 24 petition of plaintiff or plaintiff's attorney, fix a

1 reasonable fee, in excess of the amount specified in  
2 subsection (a) of this section where in the opinion of the  
3 court the circumstances justify additional compensation.

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5 (c) As used in this section:

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7 (i) "Health care provider" means any doctor of  
8 medicine, doctor of osteopathy or hospital licensed by this  
9 state to provide health care services or an officer,  
10 employee or agent thereof acting in the course and scope of  
11 employment;

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13 (ii) "Health care services" means acts of  
14 diagnosis, treatment, medical evaluation or advice or other  
15 acts permissible under the health care licensing statutes  
16 of this state.

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18 **Section 2.** This act is effective July 1, 2003.

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(END)