

SENATE FILE NO. SF0081

Contingency fee reporting.

Sponsored by: Senator(s) Scott and Representative(s) Cohee  
and Iekel

A BILL

for

1 AN ACT relating to attorneys; providing for disclosure of  
2 contingent fee agreements, as specified; providing for data  
3 compilation and report to the legislature by the Wyoming  
4 supreme court; and 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. 1-14-129 is created to read:

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10 **1-14-129. Attorneys; contingent fees.**

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12 (a) An attorney filing any civil complaint or  
13 counterclaim pursuant to a contingency fee agreement  
14 between the attorney and his client shall file a copy of  
15 the agreement and any subsequent modifications of the  
16 agreement with the court at the time of filing the

1 complaint or counterclaim or within thirty (30) days of  
2 making the agreement or modification, whichever is later.  
3 Except as provided by subsection (b) of this section, the  
4 agreement and any modification of the agreement shall be a  
5 public document.

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7 (b) The court in which the action is filed may, on  
8 motion of the attorney, designate any portion of the  
9 agreement containing information subject to attorney-client  
10 privilege as confidential and protect that portion from  
11 release to anyone except an employee of the court or the  
12 attorney or the client involved. The identity of the case  
13 and the formula for computing the contingency fee shall not  
14 be subject to attorney-client privilege and shall remain a  
15 public document.

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17 (c) If a contingency fee agreement is not filed as  
18 required by this section, the agreement shall be void and  
19 the attorney shall not be entitled to recover any fee under  
20 it or withhold from the client any amount of any recovery  
21 pursuant to such agreement.

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23 (d) For purposes of this section, a contingency fee  
24 agreement is any agreement or contract between an attorney

1 and a client pursuant to which the client's obligation to  
2 pay a fee to the attorney or to pay any costs or expenses  
3 of the suit depends on the fact of recovery from another  
4 person or entity or is measured by the amount of recovery  
5 from another person or entity.

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7 (e) The Wyoming supreme court shall annually file a  
8 report to the legislature of all actions in which  
9 contingency fee agreements were filed pursuant to  
10 subsection (a) of this section, subject to the following:

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12 (i) For all civil actions settled during the  
13 previous year, the report shall include:

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15 (A) The total amount of the settlements;

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17 (B) The total amount of costs and expenses  
18 payable from the settlements pursuant to contingent fee  
19 agreements;

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21 (C) The total amount of attorney fees  
22 payable from the settlements pursuant to contingent fee  
23 agreements;

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1                   (D) The net amount of the settlements paid  
2 to or retained by the clients pursuant to contingent fee  
3 agreements.

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5                   (ii) The information required by paragraph (i)  
6 of this subsection shall be reported in the aggregate  
7 without identifying individual actions, clients or  
8 attorneys. The information shall be categorized to show  
9 separately the results of professional malpractice actions  
10 against health care providers and any other categories of  
11 actions the court deems appropriate;

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13                   (iii) The year used for reporting purposes shall  
14 run from July 1 of each calendar year through June 30 of  
15 the following calendar year unless the supreme court  
16 designates a different one (1) year period;

17  
18                   (iv) The court may require attorneys involved in  
19 the settlement of an action subject to a contingency fee  
20 agreement to disclose in a court filing the information  
21 required by paragraph (i) of this subsection but, upon  
22 request by the attorney or his client, this information  
23 shall be kept confidential and reported publicly only in

1 sufficient aggregation to prevent association of the  
2 information with a specific action;

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4 (v) The supreme court may report actions settled  
5 or dismissed without payment as a separate category;

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7 (vi) The supreme court may include in the report  
8 information on cases in which judgment was entered  
9 following a jury trial or trial without a jury if the  
10 information can be obtained at a reasonable cost;

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12 (vii) The supreme court may require reports from  
13 the clerks of the district courts as necessary to prepare  
14 the annual report required by this section;

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16 (viii) The supreme court may require any  
17 reporting it deems appropriate of defense costs by  
18 defendants, provided that upon request such defense costs  
19 shall be held confidential and reported publicly only in  
20 sufficient aggregation as to prevent association of the  
21 information with a specific action. The supreme court may  
22 utilize information on defense costs already reported to  
23 the insurance commissioner and the insurance commissioner,  
24 upon request, shall furnish such information in his

1 possession to the supreme court. The supreme court may  
2 include in the report required by this subsection any  
3 information on defense costs it deems appropriate.

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5 (f) The supreme court shall include in the report  
6 required by subsection (e) of this section any analysis it  
7 deems appropriate of the costs to plaintiffs and defendants  
8 of obtaining justice through the civil justice system. The  
9 supreme court may include in the report a description of  
10 any actions within its powers it is taking or contemplating  
11 to reduce the costs of obtaining justice to either  
12 plaintiffs or defendants or both and to improve the net  
13 percentage of settlements or judgments received by  
14 plaintiffs. The supreme court may include in the report  
15 any recommendations it deems appropriate for legislative  
16 action to reduce the costs of obtaining justice to either  
17 plaintiffs or defendants or both or to improve the net  
18 percentage of settlements or judgments received by  
19 plaintiffs.

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21 (g) The report to the legislature required by  
22 subsection (e) of this section shall be posted on an  
23 appropriate governmental website for access by the general  
24 public. Copies of the report shall be furnished to the

1 joint judiciary interim committee and the joint labor,  
2 health and social services interim committee and any other  
3 legislator requesting a copy.

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5 **Section 2.** This act is effective July 1, 2004.

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(END)