

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 878

(Delegates Bates and Getty)

Commerce and Government Matters

Procurement - Private Attorney Contracts - Requirements

This bill requires that a contingency fee contract for attorney services which includes expense reimbursement must contain a provision that the total fee be reasonable, and that the appropriate committees of the General Assembly review contracts for attorney services valued at \$1 million or more.

Fiscal Summary

State Effect: The bill's requirements could be handled with current resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill requires that a contingency fee contract for legal services that includes expense reimbursement provide that the total fee must be reasonable and conform to the standards established in the Maryland Rules of Professional Conduct.

The bill also requires that for an attorney services contract where the fee is, or reasonably can be expected to exceed \$1 million, the Board of Public Works must submit the contract to the one or more appropriate standing committees of the General Assembly (or the Legislative Policy Committee when the General Assembly is not in session) at least 75 days prior to executing the contract. The board must incorporate into the contract changes recommended by the committee(s) of the General Assembly, or state in writing

its reasons for not incorporating the changes. If a committee of the General Assembly has not responded to the board within 45 days of receiving the contract, the board may award the contract as proposed.

Current Law: Units of State government may employ legal counsel with the approval of the Board of Public Works. In general, contracts for legal services by the Attorney General are not subject to the provisions of General Procurement Law.

State Fiscal Effect: The Office of the Attorney General and the Board of Public Works advise that the bill's requirements would have no significant impact on their operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Board of Public Works, Office of the Attorney General, Department of Legislative Services

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