

HOUSE BILL 541

D3

7lr0313

By: **Delegate Simmons**

Introduced and read first time: February 7, 2007

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

1 AN ACT concerning

2 **Courts – Lawyers – Retainer Agreements**

3 FOR the purpose of providing that a provision in a retainer agreement that requires a
4 person seeking representation to reimburse a lawyer for attorney's fees in the
5 event of a future dispute between the person and the lawyer is unenforceable
6 under certain circumstances; providing that the provisions of this Act may not
7 be waived under certain circumstances; defining a certain term; and generally
8 relating to the unenforceability of a certain provision in a lawyer retainer
9 agreement.

10 BY adding to
11 Article – Courts and Judicial Proceedings
12 Section 5–808
13 Annotated Code of Maryland
14 (2006 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **5-808.**

2 (A) IN THIS SECTION, "RETAINER AGREEMENT" MEANS A WRITTEN
3 AGREEMENT IN WHICH A LAWYER AGREES TO REPRESENT ANOTHER PERSON.

4 (B) A PROVISION IN A RETAINER AGREEMENT THAT REQUIRES A
5 PERSON SEEKING REPRESENTATION TO REIMBURSE A LAWYER FOR
6 ATTORNEY'S FEES IN THE EVENT OF A FUTURE DISPUTE BETWEEN THE PERSON
7 AND THE LAWYER IS UNENFORCEABLE UNLESS ALLOWED BY LAW AND THE
8 PERSON SEEKING REPRESENTATION WAS INDEPENDENTLY REPRESENTED IN
9 MAKING THE RETAINER AGREEMENT.

10 (C) THE PROVISIONS OF THIS SECTION MAY NOT BE WAIVED UNLESS
11 ALLOWED BY LAW AND THE PERSON SEEKING REPRESENTATION IS
12 INDEPENDENTLY REPRESENTED IN MAKING THE RETAINER AGREEMENT.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.