

SB0642/123727/2

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 642, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Accommodation” insert “and Unlawful Employment Practices”; and in line 9, after the second “action” insert “; prohibiting a person from charging or collecting a fee for certain legal services unless the fee is approved by the court; establishing that certain fees may not exceed a certain percentage of certain compensatory damages; providing that a certain fee is a lien on certain compensatory damages under certain circumstances; providing that a certain fee shall be paid only in a certain manner; authorizing the court to hear and decide certain questions and issue certain orders under certain circumstances; providing that a certain order of the court may be enforced or appealed in a certain manner; prohibiting the court from awarding attorney’s fees in excess of a certain amount under certain circumstances”.

On page 1 of the Judicial Proceedings Committee Amendments (SB0642/848573/1), in line 11 of Amendment No. 1, after “20-1013,” insert “20-1015,”.

AMENDMENT NO. 2

On page 5 of the bill, in line 30, after the period insert:

“20-1015.

(A) (1) (i) 1. UNLESS APPROVED BY THE COURT, A PERSON MAY NOT CHARGE OR COLLECT A FEE FOR LEGAL SERVICES FROM A COMPLAINANT IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART.

(Over)

2. THE FEES FOR LEGAL SERVICES MAY NOT EXCEED 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(II) WHEN THE COURT APPROVES A FEE DESCRIBED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE FEE IS A LIEN ON THE COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, A FEE PAID FROM AN AWARD OF COMPENSATORY DAMAGES SHALL BE PAID ONLY IN THE MANNER SET BY THE COURT.

(2) ON APPLICATION OF A PARTY, THE COURT MAY:

(I) HEAR AND DECIDE ANY QUESTION CONCERNING LEGAL SERVICES PERFORMED IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART; AND

(II) ORDER A PERSON WHO RECEIVED A FEE FOR LEGAL SERVICES TO REFUND TO THE COMPLAINANT ANY PART OF THE FEE THAT THE COURT FINDS TO BE EXCESSIVE.

(3) AN ORDER OF A COURT SETTING THE PAYMENT OR ORDERING THE REFUND OF PAYMENT FOR LEGAL SERVICES MAY BE ENFORCED OR APPEALED IN THE SAME MANNER AS AN AWARD OF COMPENSATORY DAMAGES UNDER THIS PART.

(B) (1) [In]SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN an action brought under this part, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

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(2) THE COURT MAY NOT AWARD ATTORNEY'S FEES TO A COMPLAINANT IN EXCESS OF 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT."