

HOUSE OF REPRESENTATIVES

REQUEST FOR INTERIM STUDY PROPOSAL

DATE: May 17th, 2007

BY REPRESENTATIVE(S): Mark E. McCullough

TOPIC OF THE PROPOSAL:

Legal Reform

EXPLANATORY COMMENTS ON THE SCOPE OF THE STUDY PROPOSAL:

This bill is primarily aimed at reforming personal injury actions in OK courts. The contingency fee would be retained but modified. A requirement would be added whereby the attorneys would receive only compensation for billable hours up to a maximum amount determined by a formula created from a database of previous judgments. For example a 5000\$ settlement in a soft tissue car wreck that had two depositions took 10hours (an arbitrary number) at 150\$ an hour equals 1500\$ - which happens to be what a 30% contingency fee would be. If there was a dispute then the attorney could ask for a hearing to present evidence to a judge as to why he should get more, but the presumption will be against the attorney. The benefit of this policy would be to create transparency in the murky world of contingency fee law and discourage lopsided "windfall" or "jack pot Justice" type fees to attorneys in cases where the award far out strips the time spent by the attorneys in what are often routine settlements that do not require complex litigation. Also the bill should contain a cap on non-economic damages at \$500,000. The possibility of paying the prevailing party's legal fees may be included. And specifically for medical malpractice, I would like to add a provision that (like Illinois) before a party can even file a malpractice claim, they must first get a certification from another physician, after reviewing the medical evidence, that standard of care was not followed. Other miscellaneous topics of legal reform might include: 1) statutorily shortening the time in which domestic cases must be resolved (see *Flandermeyer v Flandermeyer* 2006 OK87, NO. 103, 509. Nov 21, 2006) examining methods for more quickly terminating parental rights for parents of clearly deprived children (such as in meth. Homes) and getting these children expedited through the adoption process.

IF PRIVATE CITIZENS OR ORGANIZATIONS ARE TO BE NOTIFIED OF MEETING,
LIST NAMES AND ADDRESSES:

Speaker Lance Cargill
2300 N. Lincoln Blvd.
OKC, OK 73105

Speaker Pro-Tempore Gus Blackwell
2300 N. Lincoln Blvd.
OKC, OK 73105

5-21 -07 Jlf Rep. Rex Duncan
2300 N. Lincoln Blvd.
OKC, OK 73105

Rep. Dan Sullivan
2300 N. Lincoln Blvd.
OKC, OK 73105

07-24