

# MAINE STATE LEGISLATURE

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L.D. 2400

(Filing No. S-523)

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "B " to S.P. 958, L.D. 2400,  
Bill, "AN ACT Relating to Medical and Legal Profes-  
sional Liability."

Amend the Bill in section 16 by striking out all  
of subchapter VIII (page 18, lines 26 to 37 and page  
19, lines 1 to 16 in L.D.) and inserting in its place  
the following:

'SUBCHAPTER VIII

CONTINGENT COMPENSATION

§2961. Contingent fee

In an action for profession negligence, each con-  
tingent fee agreement shall be in writing and in du-  
plicate. Each duplicate copy shall be signed by the  
attorney and by each client. One signed duplicate  
copy shall be mailed or delivered to each client  
within a reasonable time after the making of the  
agreement.

Each contingent fee agreement shall contain a  
statement that only reasonable and just contingent  
compensation is to be paid for services, which com-  
ensation is not to exceed a stated maximum percent-  
age of the amount collected.

The contingent compensation for legal services in  
an action for professional negligence shall be re-  
leased to the attorney only after approval by a state  
or federal court with jurisdiction over the subject  
matter.

In determining whether the fee is just and rea-

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1 sonable, the court shall consider the following:

2 1. Requisite skill. The novelty and difficulty  
3 of the questions involved and the skill requisite to  
4 perform the legal service properly;

5 2. Preclusion of other employment. The likeli-  
6 hood, if apparent to the client, that the acceptance  
7 of the particular employment will preclude other em-  
8 ployment of the attorney;

9 3. Relative local fees. The fee customarily  
10 charged in the locality for similar legal services;

11 4. Case criteria. The responsibility assumed,  
12 the amount involved and the results obtained;

13 5. Time limitation. The time limitations im-  
14 posed by the client or by the circumstances; and

15 6. Attorney criteria. The experience, reputa-  
16 tion and ability of the attorney performing the ser-  
17 vices.'

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SENATE AMENDMENT " B " to S.P. 958, L.D. 2400

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STATEMENT OF FACT

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This amendment will set the standard on contingent compensation for legal services in malpractice actions according to what is reasonable and just and will require court approval of any contingent compensation for legal services.

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(Sen. Baldacci)  
SPONSORED BY: Sen. Baldacci

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COUNTY: Penobscot

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(4-14-86)

(Filing Number S-523)