

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 630

S.P. 236

In Senate, March 9, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator BRANNIGAN of Cumberland.  
Cosponsored by Senator BLACK of Cumberland, Representative  
COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Concerning Disclosure of Costs Related  
2 to Attorneys Contingency Fees.  
3

4 Be it enacted by the People of the State of Maine as  
5 follows:

6 4 MRSA c. 17, sub-c. I-A is enacted to read:

7 SUBCHAPTER I-A

8 FEES

9 §821. Contingent fees agreements and attorney ex-  
10 penditures and disbursements

11 Every attorney preparing to enter into a contin-  
12 gent fee agreement with a client shall, prior to en-  
13 tering into the agreement, inform the client, orally

1 and in writing, that, whether the contingency upon  
2 which compensation is to be paid to the attorney by  
3 the client occurs or does not occur, the client is  
4 liable to the attorney for the attorney's reasonable  
5 expenses and disbursements. The attorney shall in-  
6 form the client, orally and in writing, of any of the  
7 following that may be included in these expenses and  
8 disbursements:

9 1. Court costs. Costs of the action, including:

10 A. Filing fees paid to the clerk of courts;

11 B. Fees for service of process and other docu-  
12 ments;

13 C. Attendance fees and travel costs paid to wit-  
14 nesses;

15 D. Expert witness fees and expenses;

16 E. Costs of medical reports;

17 F. Costs of visual aids; and

18 G. Costs of taking depositions;

19 2. Travel expenses. Expenses for travel by the  
20 attorney on behalf of the client;

21 3. Telephone. Costs of telephone calls made by  
22 the attorney on behalf of the client;

23 4. Postage. Costs of postage paid by the attor-  
24 ney for mailings on behalf of the client; and

25 5. Copying. Costs of copying done by the attor-  
26 ney on behalf of the client.

1

STATEMENT OF FACT

2           The purpose of this bill is to ensure that a cli-  
3 ent entering into a contingent fee agreement with an  
4 attorney is aware of reimbursements the client will  
5 be required to make to the attorney whether or not  
6 the client's case is won.

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