WEST virginia legislature

2021 regular session

Introduced

House Bill 2361

By Delegates Keaton, L. Pack, Pinson, Burkhammer, Haynes, and B. Ward

[Introduced February 13, 2021; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-2-23, relating to creating an approval process by a judge of contingent fee arrangements for civil litigation; and restricting or prohibiting approval for contingent fee arrangements in instances where there is an improbable or inconceivable likelihood of recovery for the client.

Be it enacted by the Legislature of West Virginia:

Article 2. limitation of actions and suits.

§55-2-23. Restricting or prohibiting contingency fees in certain situations.

In every case involving civil litigation where a contingency fee is used, a judge shall have the discretion to approve or deny a contingency fee arrangement between an attorney or attorneys and client or clients. In instances where there is an improbable or inconceivable likelihood of recovery, the judge shall deny such a contingency arrangement for legal services. All denials of contingency arrangements are subject to a *de novo* review by the West Virginia Supreme Court of Appeals, if requested by the attorney or attorneys six (6) months after denial.

NOTE: The purpose of this bill is to create a process by which contingency fees can be denied by a Judge in certain limited circumstances.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.