

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §55-2-23, relating to creating an approval process by a judge of contingent fee  
 3 arrangements for civil litigation; and restricting or prohibiting approval for contingent fee  
 4 arrangements in instances where there is an improbable or inconceivable likelihood of  
 5 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.**

1 In every case involving civil litigation where a contingency fee is used, a judge shall have  
 2 the discretion to approve or deny a contingency fee arrangement between an attorney or  
 3 attorneys and client or clients. In instances where there is an improbable or inconceivable  
 4 likelihood of recovery, the judge shall deny such a contingency arrangement for legal services.  
 5 All denials of contingency arrangements are subject to a *de novo* review by the West Virginia  
 6 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.