
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1942 Session of
2008

INTRODUCED BY GINGRICH, BOYD, CLYMER, DENLINGER, EVERETT, GRELL,
HERSHEY, KAUFFMAN, M. KELLER, MOUL, PICKETT, RAPP, REED,
ROAE, ROSS, SAYLOR, SCHRODER, SONNEY AND TURZAI,
JANUARY 23, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2008

AN ACT

1 Providing for limitations on attorney fees.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Definitions.

5 The following words and phrases when used in this act shall
6 have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Recovered." The net sum recovered after deducting any
9 disbursements or costs incurred in connection with prosecution
10 or settlement of the claim. Costs of medical care incurred by
11 the plaintiff and the attorney's office-overhead costs or
12 charges are not deductible disbursements or costs for such
13 purpose.

14 Section 2. Limitation on attorney fees.

15 (a) General rule.--An attorney shall not contract for or
16 collect a contingency fee for representing any person seeking

1 damages in connection with an action for injury or damage in
2 excess of the following limits:

3 (1) Forty percent of the first \$50,000 recovered.

4 (2) Thirty-three and one-third percent of the next
5 \$50,000 recovered.

6 (3) Twenty-five percent of the next \$500,000 recovered.

7 (4) Fifteen percent of any amount on which the recovery
8 exceeds \$600,000.

9 (b) Applicability.--The limitations set forth in subsection
10 (a) shall apply regardless of whether the recovery is by
11 settlement, arbitration or judgment, or whether the person for
12 whom the recovery is made is a responsible adult, an infant or a
13 person of unsound mind.

14 (c) Periodic payments.--If periodic payments are awarded to
15 the plaintiff, the court shall place a total value on these
16 payments based upon the projected life expectancy of the
17 plaintiff and include this amount in computing the total award
18 from which attorney fees are calculated under this section.

19 Section 3. Inconsistent repeal.

20 All acts and parts of acts are repealed insofar as they are
21 inconsistent with this act.

22 Section 4. Effective date.

23 This act shall take effect in 60 days.