

HOUSE BILL No. 6179

September 9, 2004, Introduced by Reps. Taub, Sheen, LaJoy, Emmons, Tabor, Ehardt, Robertson, Palmer, Brandenburg, Garfield, Voorhees, DeRossett, Ward, Pappageorge, Vander Veen, Meyer, Nofs, Wenke, Casperson, Pastor, Newell, DeRoche, Palsrok, Stahl, Huizenga, Hager, Stakoe, Mortimer, Nitz, Caswell and Richardville and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 919 (MCL 600.919).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 919. (1) The ~~measure of the~~ compensation of ~~members~~
2 ~~of the bar~~ **an attorney at law** is left to the express or implied
3 agreement of the ~~parties subject to the~~ **attorney and the**
4 **attorney's client, except as provided otherwise by law or by**
5 regulation of the supreme court.

6 (2) ~~Any~~ **An** agreement for ~~such~~ compensation ~~—~~ **of an**
7 **attorney at law** or ~~for~~ reimbursement of ~~any~~ expenses ~~—~~
8 ~~incident to~~ **incurred by an attorney in** the prosecution or
9 defense of ~~any~~ **a** claim ~~by any party~~ is ~~wholly~~ void if ~~such~~
10 ~~professional~~ **the** employment was solicited by the ~~member of the~~
11 ~~bar,~~ **attorney** or by ~~any other~~ **another** person acting on ~~his~~

1 behalf or at ~~his~~ the request of the attorney, unless the
2 services of ~~such member of the bar~~ the attorney were first
3 requested by ~~such party~~ the client.

4 (3) If an attorney at law enters into an express or implied
5 agreement to prosecute a claim for personal injury or wrongful
6 death as the result of medical malpractice that provides that the
7 attorney's compensation is contingent in whole or in part on
8 successful prosecution or settlement of the claim or on the
9 amount of recovery, the attorney shall not receive, retain, or
10 share a fee that is more than 1/4 of the amount recovered.

11 (4) The fee under subsection (3) shall be calculated using
12 the net amount recovered, including taxed costs and interest
13 included in or on the judgment, but not including disbursements
14 properly chargeable to the enforcement or prosecution of the
15 claim. If the recovery is by a settlement or judgment payable in
16 installments, the fee under subsection (3) shall be calculated
17 using the present value of the future payments.