

SECOND REGULAR SESSION

SENATE BILL NO. 994

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROHRBACH.

Read 1st time January 21, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4026L.011

AN ACT

To amend chapter 484, RSMo, by adding thereto one new section relating to the legal consumer's bill of rights.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 484, RSMo, is amended by adding thereto one new section, to be known as section 484.285, to read as follows:

484.285. 1. This act shall be called and may be cited as the "Legal Consumer's Bill of Rights Act".

2. Each lawyer licensed to practice law in this state shall append to every written agreement or contract for legal services the legal consumer's bill of rights as set forth in subsections 3 to 9 of this section.

3. You have the right to control your own legal affairs. Your lawyer at your request shall:

(1) Keep you informed about the status of your legal matter;

(2) Promptly answer your questions;

(3) Promptly return your phone calls;

(4) Disclose any alternatives available to you for resolving your legal matter;

and

(5) Disclose the risks and benefits of each decision and alternative.

4. You shall make all the key decisions in your legal matter, including whether, and on what terms, to settle a dispute or lawsuit. If you are not satisfied with the legal services that you have retained, or with how your legal matter is being handled, you have the right to file a complaint with a disciplinary board that includes nonlawyers

as members. This board shall have the same or substantially similar authority to sanction lawyers as the state bar association.

5. You have the right to be fully informed about the costs and fees associated with your legal matter. Your lawyer must disclose:

- (1) All alternative fee arrangements;**
- (2) Total anticipated fees and expenses through trial;**
- (3) Total anticipated costs; and**
- (4) Referral fees paid to other lawyers.**

6. Your lawyer must:

- (1) Provide timely, thorough, professional legal services;**
- (2) Advise you to solicit, or arrange for co-counsel if he or she is not qualified to represent you in the areas of the law relevant to your subject matter;**
- (3) Respect your right to privacy and your confidential information;**
- (4) Not neglect your legal matter;**
- (5) Ensure that he or she does not have a conflict of interest representing you;**
- (6) Maintain accurate records; and**
- (7) Provide you, upon your request, with copies of all court documents and letters that he or she produces or receives while representing you.**

7. You have the right to an accessible legal system. Complaints against lawyers will be considered by a disciplinary board that includes nonlawyers as members. This board shall have the same or substantially similar authority to sanction lawyers as the state bar association.

8. You have the right to be left free from unsolicited contact by plaintiff or defense lawyers or any of their representatives for thirty days after an event resulting in personal injury or death.

9. A lawyer retained by a claimant in connection with a personal injury claim shall, within a reasonable time, but not later than thirty days after the personal injury claim is finally settled or adjudicated, disclose the following to the client:

(1) The actual number of hours of the lawyer's services expended in connection with the personal injury claim;

(2) The total amount of the hourly fees or contingent fee for the lawyer's services in connection with the personal injury claim; and

(3) The actual fee per hour of the lawyer's services in connection with the personal injury claim, determined by dividing the total amount of the hourly fees, less itemized expenses, or the total contingent fee by the actual number of hours of the lawyer's services.

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