

## The Injured Consumer's Bill of Rights for Contingent Fees

Before you arrange a contingent fee agreement with an attorney, you should know your rights as a client.

1. Most attorney fees are not set by law. You, the client, have the right to talk with an attorney about the proposed fee and to negotiate the rate or percentage, as with any other contract. If you do not reach an agreement, you may talk with other attorneys. Any contingent fee contract must be in writing.

2. Your attorney must charge you no more than a reasonable fee. The percentage fee charged to you should reflect the likelihood of winning, how much money is likely to be awarded and collected, and how much work and expense the attorney is likely to put into the case. Your attorney's expertise and the complexity of the case are also relevant.

3. Your attorney should take all the following factors into account in evaluating your case and in due course should be able to discuss each factor with you, giving his or her best good faith evaluation:

- The likelihood of success
- A likely range for the amount of a recovery, if the case succeeds
- The possibility of an award of punitive damages (if the misconduct was so despicable) or damages that are multiplied by state statute
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The attitude and prior practices of the other side regarding settlement

- The likelihood of collecting any judgment
  - The availability of alternative dispute resolution
  - The percentage of any recovery that the lawyer would receive as a contingent fee and whether that percentage is fixed or on a sliding scale (depending, for example, on whether a settlement is reached before a complaint is filed, or a trial is held or an appeal is needed)
  - How expenses of the litigation will be handled.
- 4. You have the right to know in advance how you will need to pay the expenses and the legal fees at the end of the case.

- 5. You have the right to receive and approve a closing statement at the end of the case before funds are disbursed. The statement should list all of the financial details of the entire case, including the amount recovered, all expenses, and a precise statement of your attorney fee.
- 6. You have the right to ask your attorney at reasonable intervals how the case is progressing and to have these questions answered to the best of your attorney's ability.
- 7. You have the right to make the final decision regarding whether to settle your case or not.
- 8. If at any time you believe that your attorney has charged an excessive or illegal fee, you have the right to report the matter to the Oregon State Bar, which oversees the practice and behavior all Oregon attorneys. You can reach the Oregon State Bar at 800/452-8260 inside Oregon, or at 503/620-0222.
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Client Signature

date

Attorney Signature

date