

1804-S

Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Huff, Scott, Dyer, Sheldon, Sherstad, Alexander, Skinner, Clements, Zellinsky, Carrell, Lisk and McMorris)

Brief Title: Concerning contingency fees, liability reform, and other issues related to civil actions.

HB 1804-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that an attorney who represents a claimant who has accepted an early settlement offer shall not collect a contingent fee that is greater than twenty percent of the amount of the early settlement offer.

Provides that an attorney who represents a claimant who has rejected or failed to accept an early settlement offer shall not collect a contingent fee that is greater than twenty percent of the amount of the early settlement offer plus the percentage of the amount recovered in excess of the early settlement offer as was agreed to by the claimant and the attorney.

Provides that a claimant's attorney who has failed to provide his or her client a true and complete copy of an early settlement offer received by the attorney shall not collect a contingent fee greater than twenty percent of the amount recovered.

Declares that an offer by an allegedly responsible party to settle a claim constitutes an early settlement offer if the allegedly responsible party: (1) Makes the settlement offer within sixty days of receipt of a demand for compensation;

(2) communicates the offer in writing and by certified mail to the claimant's attorney; and

(3) leaves the offer open for acceptance for a minimum of thirty days from the date of its receipt by the claimant's attorney.

Requires claimant's attorney to file a certificate of merit.

Revises provisions relating to joint and several liability.

Provides for equal access to medical witnesses.

Specifies health care limitation of actions.

Specifies procedures for construction claims.

Designates procedures for motor vehicle claims.

Designates procedures relating to health plan liability.