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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 3, 2025

Subject: Bill Brief on SB 242

Senate Bill 242 requires that a political subdivision hold an open meeting to discuss a contingency fee contract for legal services before approving such contract and requires the attorney general to approve such contracts.

The bill would enact a new section of law that provides that a political subdivision may only enter into a contingent fee contract for legal services if the governing body of the political subdivision (1) calls a meeting for the purpose of considering the contract and provides notice of the items listed in subparagraphs (A) through (F); (2) makes a finding in writing that there is a substantial need for the legal services, the services cannot be adequately performed by the attorneys of the political subdivision, and the contract can't be an hourly rate contract because of the nature of the legal matter or the political subdivision doesn't have sufficient funds; and (3) approves the contract in an open meeting after discussion of the items listed in paragraph (1).

Before a contingency fee contract for legal services approved by a political subdivision is effective, the political subdivision must obtain approval of the contract by the attorney general. The political subdivision shall provide a copy of the contract, a description of the legal matter, a copy of the notice issued pursuant to subsection (a) and a copy of the findings made pursuant to subsection (a). Within 90 days after providing such material, the attorney general shall either approve the contract or refuse to approve the contract and provide the political subdivision with certain reasons described. If the attorney general doesn't take action on the contract within 90 days, the contract shall be deemed approved. In a legal action where a political subdivision is represented by an attorney providing legal services under a contract that violates this section, the attorney general may appear and request dismissal, which the court shall grant if it determines the contract does not comply. Any contingency fee for legal services entered into prior to Ju

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2025, shall be submitted to the attorney general for review on or before July 1, 2026. The attorney general shall approve or refuse to approve the contract in accordance with subsection (b), and any legal proceeding currently ongoing involving such a contract shall proceed unless the attorney general appears in such proceeding. Subsection (e) provides definitions use throughout the act. Subsection (f) expires the section on July 1, 2029.