

Other Clauses of Interest

Paragraph Number	Title	Proposed modification
1.A	Arbitration of all disputes including claims of malpractice	Struck references to specific private arbitration providers, but provides a blank for attorney to insert the name of the entity. Provides a method for initiation arbitration process.
1.B	Mandatory Fee Arbitration	Notifies the client of the right to Mandatory Fee Arbitration.
2	Mediation Clause	This is an update to the mediation clause, identifies which issues are subject to mediation. No substantive change.
3	Interest Charges	Clean up of the language relating to interest. No substantive change.
4	Replenishing Deposit	Modification to the existing language. No substantive changes. Changes "billing statements" to "bills".
5	Attorney's Fees Clause	No substantive change.
6	Other Payor Clause-Insurance	No substantive change.
7	Flat Fee Clause	Formerly fixed fee clause. Updates the language to the previous version. Provides for payment options. Clarifies client may be entitled to a refund if payment has been made prior to the completion of the legal services.
8	Division of Contingency	Replaces "Other Attorney Clause-Contingency". Provides disclosure and consent when another attorney joins in the matter. Identifies the division of the contingency amounts. States clients fee will not increase due to the association.
9	"Other Attorney" Clause-Hourly	No substantive change.
10	Payment of Referral Fee	Provides disclosure and consent when a referred fee is paid by the attorney. Comports with RPC 3-300.
11	Lien-Hourly Fee Agreement	New paragraph. Provides disclosure and consent when a lien is placed on an award of funds or other monies. Comports with RPC 3-300.

12	Excluded Services	New paragraph. Clarifies what is not included in the contracted legal services.
13	Contingency Language Optional Clauses	See notes below on the various options.
13.A	No recovery Language	Clarifies that client is only to pay for costs, disbursements and expenses if there is no recovery.
13.B	Attorney Advancing Costs Language	Clarifies that attorney will advance costs, but if client is not prevailing party, the court may award attorneys fees and costs, for which the client will be liable.
13.C	Net Recovery Options	See notes below on the various options.
13.C. Option 1A	Straight Percentage of Net Recovery	New. This is similar to the language contained in paragraph 4 of the contingency fee agreement.
13.C. Option 1B	Net Recovery Including Court Ordered Fees	New. Adds court-ordered fees to the recovery amount for the calculation of the attorney's fees.
13.C. Option 1C	Net Recovery Plus Court Ordered Fees	New. Adds the court-ordered attorneys fees to the amount paid to attorney (inclusive of the contingency arrangement).
13.C. Option 1D	Net Recovery of the Greater of Net or Court Ordered Fees	New. Awards attorney the greater of the net recovery or the court ordered fees.
13.D.	Gross Recovery Options	See notes below on the various options.
13.D. Option 2A	Straight Percentage of Gross Recovery	New. Calculates the attorney's percentage on the full amount of the award, prior to deducting any costs, expenses, etc.
13.D. Option 2B	Scaled Percentage of Gross Recovery	New. Provides attorney with a scaled gross recovery.

Other Forms of Interest

	Title	Proposed modification
	Disclosure and Consent-Third Party Payor Payment of Attorney's Fees and Costs	New Form. Client authorizes attorney to share information with third party payor.
	Disclosure and Consent-Third Party Payor Payment of Attorney's Fees and Costs	New Forms. Client does not authorize attorney to share information with third party payor.
	Joint/Multiple Client Disclosure and Consent Form	New Form