

By: Senator(s) Hawks, Johnson (19th), White      To: Finance  
(29th)

## SENATE BILL NO. 2927

1            AN ACT TO BE ENTITLED "THE FAIR FEES FOR MISSISSIPPI ACT"; TO  
2    CREATE A SPECIAL FUND DESIGNATED FOR TOBACCO LITIGATION SETTLEMENT  
3    MONIES; TO RESTRICT THE EXPENDITURE OF MONIES DEPOSITED IN THE  
4    SPECIAL FUND; TO PLACE LIMITATIONS ON ATTORNEYS' FEES PAYABLE OUT  
5    OF THE FUND OR IN CONNECTION WITH TOBACCO LITIGATION SETTLEMENTS;  
6    AND FOR RELATED PURPOSES.            BE IT ENACTED BY THE LEGISLATURE OF  
7    THE STATE OF MISSISSIPPI:

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9            SECTION 1.    This act shall be referred to as "The Fair Fees  
10    for Mississippi Act."

11           SECTION 2.    The Legislature finds that use of all funds  
12    received by the state or by any attorney in settlement of "tobacco  
13    litigation" to which the state was a party should be deposited in  
14    a special fund to be used for specifically limited purposes.    The  
15    Legislature further finds that the funds available to the state's  
16    taxpayers would be reduced by the legal fees that are being sought  
17    by attorneys who brought lawsuits against the tobacco industry and  
18    small Mississippi businesses, and that a fair limitation on the  
19    fees to be paid to attorneys in the tobacco litigation is in the  
20    best interests of the taxpayers of the state and would provide for  
21    fair compensation to the attorneys involved while preventing  
22    unfair windfalls at the expense of the taxpayers.

23           SECTION 3.    There is hereby created in the State Treasury a  
24    special fund designated as the Tobacco Litigation Settlement Fund  
25    into which shall be deposited such money as may be received by the  
26    state or by any attorney as settlement of any litigation in which  
27    the State of Mississippi is a plaintiff or claimant for damages  
28    suffered by the state as a result of the use of tobacco or tobacco  
29    products by the residents of the State of Mississippi.    Money in

30 this fund shall be appropriated by the Legislature and solely  
31 limited to funding tax cuts for the state taxpayers and to the  
32 payment of attorneys' fees in connection with the litigation for  
33 which the settlement money was received.

34       SECTION 4. Any attorney seeking fees to be paid out of the  
35 Tobacco Litigation Settlement Fund shall be limited to recover  
36 only actual expenses incurred plus One Hundred Fifty Dollars  
37 (\$150.00) per hour for time actually expended in professional  
38 legal services on behalf of the state's taxpayers in such  
39 litigation. This limitation will apply to all fees sought for any  
40 such litigation on behalf of the state, including, without  
41 limitation, fees sought through negotiation, court order,  
42 settlement agreement, contingency fee arrangement, arbitration  
43 procedure, alternative dispute resolution procedure or other  
44 arrangement for payment of attorneys' fees. Full disclosure for  
45 public review of all documents, including invoices, billing  
46 records, expense reimbursement forms and other information in  
47 whatever form maintained to document an attorney's time and  
48 expenses, must be made in order to authorize payment of any  
49 attorney's fees from the fund.

50       SECTION 5. This act shall take effect and be in force from  
51 and after its passage.