

SS HB 1531 -- CIVIL PROCEEDINGS

This bill provides that a private attorney retained by the state is not entitled to a fee, exclusive of costs and expenses, of more than a set percentage determined by the dollar amount recovered. The total fee payable to retained private attorneys in any matter subject to a contingency fee shall not exceed \$10 million, exclusive of costs and expenses provided for in the contracts and actually incurred by the attorneys. The bill specifies that a contingency fee is payable only from money actually received under a judgment or settlement agreement and shall not be based on any amount attributable to a fine or civil penalty (Section 34.378, RSMo).

This bill modifies the circumstances in which a party may be joined in a civil action. The bill clarifies that a plaintiff's insured may be joined as a defendant and required to interplead when the plaintiff may be exposed to multiple claims. The term "plaintiff" includes an insurance company when the multiple claims exceed the total limits of applicable coverage. The bill further sets forth a procedure by which an insurer or risk management entity may timely deposit all applicable limits of coverage into court in an interpleader action, and will not be further liable for any amount in excess of its contractual limits of coverage so long as the insurer defends its insured from any further claim or lawsuit (Section 507.060).