

2025 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVES CARLSON, BAMBURG, BERAULT, BILLINGS, CARVER,
CHENEVERT, COATES, COX, DEWITT, DOMANGUE, EDMONSTON, EGAN,
GALLE, GLORIOSO, HEBERT, HENRY, MCMAKIN, MELERINE, TURNER,
WILDER, AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ATTORNEYS/FEES: Provides relative to fees reasonably expected to be earned by an attorney

1 AN ACT

2 To enact R.S. 37:218(C), relative to fees collected by attorneys; to require an attorney to
3 disclose his interest with the court in certain circumstances; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:218(C) is hereby enacted to read as follows:

7 §218. Contract for fee based on proportion of subject matter; stipulation concerning
8 compromise, discontinuance, or settlement

9 * * *

10 C.(1) If an attorney, other than the attorney of record, can reasonably expect
11 to earn a fee equal to or exceeding one thousand dollars, the attorney shall file a
12 disclosure of his interest in the case with the court.

13 (2) If an attorney in his individual capacity, or through an interest in a
14 business entity, can reasonably expect to earn an amount equal to or exceeding one
15 thousand dollars from the recovery in a case, other than a fee for legal services
16 provided for in the case, the attorney shall file a disclosure of his interest in the case
17 with the court.

- 1 (3) Information required to be disclosed to the court pursuant to this
 2 Subsection shall be considered discoverable. A nondisclosure agreement that
 3 prohibits or prevents the disclosures required pursuant to this Subsection shall be
 4 considered null and unenforceable to the extent that it prohibits or prevents the
 5 disclosure of the information required to be disclosed.
- 6 Section 2. The provisions of this Act shall not be considered a violation of the
 7 Uniform Trade Secrets Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 449 Reengrossed

2025 Regular Session

Carlson

Abstract: Provides relative to disclosure of an attorney's interest in a case in certain circumstances.

Proposed law provides that if an attorney, other than the attorney of record, reasonably expects to earn a fee equal to or exceeding \$1,000, the attorney shall file a disclosure of his interest in the case with the court.

Proposed law provides that if an attorney in his individual capacity or through an interest in a business entity reasonably expects to earn an amount equal to or exceeding \$1,000, other than for legal services provided for in the case, the attorney shall file a disclosure of his interest in the case with the court.

Proposed law provides that information required to be disclosed to the court pursuant to proposed law shall be considered discoverable.

Proposed law provides that a nondisclosure agreement that prohibits or prevents the disclosures pursuant to proposed law shall be considered null and unenforceable to the extent that it prohibits or prevents the disclosure of the information required to be disclosed.

Proposed law shall not be considered a violation of the Uniform Trade Secrets Act.

(Adds R.S. 37:218(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Specify that if an attorney other than the attorney of record can reasonably expect to earn a fee equal to or exceeding \$1,000, the attorney shall file a disclosure of his interest with the court.
2. Specify that the fee of \$1,000 or more expected by an attorney does not apply to fees for legal services provided for in the case.

3. Provide that information required to be disclosed to the court pursuant to proposed law shall be considered discoverable.
4. Provide that a nondisclosure agreement that prohibits or prevents the disclosures required by proposed law shall be considered null and unenforceable.
5. Provide that an officer of the court with knowledge of an attorney who has violated the provisions of proposed law shall file a complaint against the attorney for the violation with the La. Attorney Disciplinary Board.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove the requirement that an officer of the court file a complaint against the attorney for the violation with the Louisiana Attorney Disciplinary Board.
3. Provide that proposed law shall not be considered a violation of the Uniform Trade Secrets Act.