STATE OF NEW YORK

8521

2017-2018 Regular Sessions

IN ASSEMBLY

June 18, 2017

Introduced by M. of A. WEINSTEIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the maximum allowable amount of contingency fees in medical, dental and podiatric malpractice actions; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 474-a of the judiciary law, as amended by chapter 485 of the laws of 1986, is amended to read as follows:

2. Notwithstanding any inconsistent judicial rule, a contingent fee in a medical, dental or podiatric malpractice action shall not exceed the amount of compensation provided for in the following schedule **for cases decided prior to December thirty-first, two thousand eighteen**:

30 percent of the first [~~$250,000~~] **$500,000** of the sum recovered;

[~~25 percent of the next $250,000 of the sum recovered;~~ ~~20~~] **25** percent of the next $500,000 of the sum recovered;

[~~15~~] **20** percent of the next $250,000 of the sum recovered;

[~~10~~] **15** percent of any amount over $1,250,000 of the sum recovered**;**

and notwithstanding any inconsistent judicial rule, a contingent fee in a medical, dental or podiatric malpractice action shall not exceed the amount of compensation provided for in the following schedule for cases decided from January first, two thousand nineteen through December thirty-first, two thousand nineteen:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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30 percent of the first $1,000,000 of the sum recovered;
25 percent of the next $250,000 of the sum recovered;
20 percent of any amount over $1,250,000 of the sum recovered;

and notwithstanding any inconsistent judicial rule, a contingent fee in a medical, dental or podiatric malpractice action shall not exceed the amount of compensation provided for in the following schedule for cases decided from January first, two thousand twenty through December thirty-first, two thousand twenty:

30 percent of the first $1,250,000 of the sum recovered;
25 percent of any amount over $1,250,000 of the sum recovered;

and after December thirty-first, two thousand twenty, contingency fees in medical, dental and podiatric malpractice actions shall be governed by the rules applicable to all other personal injury and wrongful death actions.

§ 2. Subdivisions 3, 4 and 5 of section 474-a of the judiciary law are REPEALED.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect January 1, 2021.