

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1953

By: Representatives Allen and Mullenix

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 26-35-902 TO SET OUT THE
LIMITS OF ATTORNEYS FEES IN TAXPAYER LAWSUITS FOR ILLEGAL
EXACTIONS AGAINST COUNTIES, CITIES, OR TOWNS IN ARKANSAS; AND
FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 26-35-902 is hereby amended to read as follows:

"26-35-902. Award of attorney's fees.

(a) It is the public policy of this state that circuit and chancery courts may, in meritorious litigation brought under Arkansas Constitution, Article 16, Section 13, in which the court orders any county, city, or town to refund or return to taxpayers moneys illegally exacted by the county, city, or town, apportion a part of the recovery to attorneys of record within the limits of this section and order the return or refund of the balance to the members of the class represented.

(b) The attorneys of record in these cases shall be allowed compensation for his or her services, when and as earned, as the circuit or chancery courts shall deem just and reasonable within the limits set out here. The attorneys of record's compensation is not to exceed thirty percent (30%) of the first ten thousand dollars (\$10,000), twenty percent (20%) of the next ten thousand dollars (\$10,000), and ten percent (10%) of the balance of any refund or return of any illegally exacted taxpayers moneys up to a maximum compensation of fifty thousand dollars (\$50,000) per refund or return so ordered. If this schedule of compensation is determined by the circuit or chancery court to be excessive under the circumstances of the case, then the circuit or chancery court may award the attorneys of record compensation commensurate with the value of the legal services rendered."

SECTION 2. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.