

**78B-3-411 Limitation on attorney's contingency fee in malpractice action.**

- (1) In any malpractice action against a health care provider as defined in Section 78B-3-403, an attorney may not collect a contingent fee for representing a client seeking damages in connection with or arising out of personal injury or wrongful death caused by the negligence of another which exceeds 33-1/3% of the amount recovered.
- (2) This limitation applies regardless of whether the recovery is by settlement, arbitration, judgment, or whether appeal is involved.

Renumbered and Amended by Chapter 3, 2008 General Session