

Judiciary and Law Enforcement: Jay, Chair: Rosenberg and Siegrist.

D. Rae 4/10/85

SENATE FILE 289
BY COMMITTEE ON JUDICIARY
Formerly SSB 93
Approved 2/14/85 (p 431)

FILED FEB 19 1985

Passed Senate, Date 3-1-85 (p 549) Passed House, Date 4-15-85 (p 1566)
Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays ?
Approved May 1, 1985 (p 1274)

A BILL FOR

1 An Act relating to the filing of an affidavit prior to the
2 taxing of attorney's fees for the recovery on a contract
3 containing an agreement to pay an attorney's fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 289

1 Section 1. Section 625.24, Code 1985, is amended to read
2 as follows:

3 625.24 AFFIDAVIT REQUIRED.

4 The attorney's fee allowed in sections 625.22 and 625.23
5 shall not be taxed in any case unless it ~~shall appear~~ appears
6 by affidavit of the attorney, ~~filed with the petition at the~~
7 ~~commencement of the action, that there has been, and is, no~~
8 ~~agreement between such attorney and the attorney's client,~~
9 ~~express or implied, nor between the attorney and any other~~
10 ~~person, except a practicing attorney engaged with the attorney~~
11 ~~as an attorney in the cause, for any division or sharing of~~
12 ~~the fee to be taxed, which, when taxed~~ that there is not and
13 has not been an agreement between the attorney and the
14 attorney's client or any other person, express or implied, for
15 any division or sharing of the fee to be taxed. This
16 limitation does not apply to a practicing attorney engaged
17 with the attorney as an attorney in the cause. The affidavit
18 shall be filed prior to any attorney's fees being taxed. When
19 fees are taxed, they shall be only in favor of a regular
20 attorney and as compensation for services actually rendered in
21 the action.

22 EXPLANATION

23 This bill amends the procedural aspect of section 625.24 to
24 make it consistent with the notice pleading system of the Iowa
25 rules of civil procedure for applications for attorney's fees
26 under chapter 625. This new procedure allows for the filing
27 of the affidavit at any time prior to the taxing of the fee
28 instead of requiring its filing at the time of the filing of
29 the petition.

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SSB 93

JUDICIARY: Small, Chair: Ritsema and Doyle

SSB 93
Judiciary

New
SF 289

SENATE/HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY AND COMMITTEE ON
JUDICIARY AND LAW ENFORCE-
MENT BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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2 taxing of attorney's fees for the recovery on a contract
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6 by affidavit of the attorney, filed ~~with-the-petition-at-the~~
7 ~~commencement-of~~ in the action prior to any attorney's fee
8 being taxed, that there has been, and is, no agreement between
9 such the attorney and the attorney's client, express or
10 implied, nor between the attorney and any other person, except
11 a practicing attorney engaged with the attorney as an attorney
12 in the cause, for any division or sharing of the fee to be
13 taxed, which, when taxed, shall be only in favor of a regular
14 attorney and as compensation for services actually rendered in
15 the action.

16 EXPLANATION

17 This bill amends the procedural aspect of section 625.24 to
18 make it consistent with the notice pleading system of the Iowa
19 rules of civil procedure for applications for attorney's fees
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SENATE FILE 289

AN ACT

RELATING TO THE FILING OF AN AFFIDAVIT PRIOR TO THE TAXING OF ATTORNEY'S FEES FOR THE RECOVERY ON A CONTRACT CONTAINING AN AGREEMENT TO PAY AN ATTORNEY'S FEE.

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

Section 1. Section 625.24, Code 1985, is amended to read as follows:

625.24 AFFIDAVIT REQUIRED.

The attorney's fee allowed in sections 625.22 and 625.23 shall not be taxed in any case unless it ~~shall appear~~ appears by affidavit of the attorney, ~~filed with the petition at the commencement of the action, that there has been, and is, no agreement between such attorney and the attorney's client, express or implied, nor between the attorney and any other person, except a practicing attorney engaged with the attorney as an attorney in the cause, for any division or sharing of the fee to be taxed, which, when taxed~~ that there is not and has not been an agreement between the attorney and the attorney's client or any other person, express or implied, for any division or sharing of the fee to be taxed. This limitation does not apply to a practicing attorney engaged with the attorney as an attorney in the cause. The affidavit shall be filed prior to any attorney's fees being taxed. When fees are taxed, they shall be only in favor of a regular

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 289, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 1, 1985

TERRY E. BRANSTAD
Governor