



MEMO TO COUNSEL

TO: All Counsel in Infant Settlement Matters
FROM: Justice L. Madsen
RE: Proper Accounting for Contingency Files
DATE: October 3, 2022

As you may be aware, some counsel will agree to represent an infant in a settlement matter on a contingency basis. In certain instances, counsel are not providing the Court with a proper accounting of the time spent by them and their staff on the file when requesting approval of legal fees in connection with the settlement amount.

It is important that the Court understand the time spent on a file by counsel to consider if the legal fees requested are appropriate when determining the final settlement amount in the matter.

Accordingly, effective immediately, all counsel are asked to submit to the Court proper dockets and/or accounting records for consideration by the presiding Judge and/or Jury for consideration when determining the settlement amount. The Court will no longer approve a percentage amount for legal fees without proper supporting documentation to justify such fees.

The dockets and accounting records submitted to the Court must be in sufficient detail to enable the Court to determine if the costs are reasonable. Failure to provide this information to the Court will result in a delay in the proceedings.

Justice L. Madsen
Local Administrative Justice of the Superior Court