

1 SENATE BILL 663

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Rod Adair

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10 AN ACT

11 RELATING TO COURTS; ENACTING THE CLASS ACTION LAWSUIT REFORM  
12 ACT; LIMITING ATTORNEY FEES IN CLASS ACTION LAWSUITS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. SHORT TITLE.--This act may be cited as the  
16 "Class Action Lawsuit Reform Act".

17 Section 2. ATTORNEY FEES IN CLASS ACTIONS--COUPON  
18 SETTLEMENTS.--

19 A. If a proposed settlement in a class action  
20 provides for a recovery of coupons, checks or other  
21 consideration to a class member, the portion of an attorney fee  
22 award to class counsel that is attributable to the award of the  
23 coupons, checks or other consideration shall be based on the  
24 value to class members of the coupons that are redeemed, checks  
25 that are negotiated or other consideration actually received.

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underscored material = new  
[bracketed material] = delete

1 That portion of an attorney fee award to class counsel that is  
2 attributable to the award of the coupons, checks or other  
3 consideration shall not exceed one thousand times the average  
4 value of the coupons, checks or other consideration awarded to  
5 class members.

6 B. If a proposed settlement in a class action  
7 provides for a recovery of coupons, checks or other  
8 consideration to a class member and the attorney fee award to  
9 class counsel is not attributable to a portion of the award of  
10 the coupons, checks or other consideration, the attorney fee  
11 award to class counsel shall be based on the amount of time  
12 reasonably expended working on the action but shall not exceed  
13 one thousand times the average value of the coupons, checks or  
14 other consideration awarded to class members.

15 C. If a class action has resulted in an award for  
16 equitable relief, including injunctive relief, in addition to  
17 attorney fees recoverable pursuant to Subsections A and B of  
18 this section, the court may award attorney fees to class  
19 counsel based upon the amount of time reasonably expended  
20 working on the action in the pursuit of equitable relief.

21 Section 3. APPLICABILITY.--The provisions of this act  
22 shall apply to class action lawsuits filed on or after the  
23 effective date of this act.