

1 SENATE BILL 528

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

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 that is actually

.185475.1

underscored material = new
[bracketed material] = delete

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