

## LPRC POSITION REQUEST FORM

The CBA Litigation Section **position request** is as follows:

1) Proposed legislative concept:

To take a position in opposition to legislation which proposes to prohibit contingency attorneys' fee agreements in certain appeals of property tax assessments to the Connecticut Superior Court. In particular, such legislation would propose to amend Connecticut General Statutes Sections 12-117a and 12-119, and would prohibit contingency fee arrangements when the appeal involves commercial property with an assessed value of \$1,500,000 or more.

2) Explanation and rationale for advancing this position:

The Litigation Section believes that this is an issue which unnecessarily restricts access to the courts for certain litigants, and the only purpose of the bill appears to be an attempt to reduce the number of appeals regardless of the merits of same. Furthermore, it unnecessarily interferes with the relationship between attorney and client and the ability of attorneys to negotiate reasonable fee agreements with their clients. Finally, the bill will have a negative impact not only on property owners, who may lack the resources to hire counsel on an hourly fee basis to appeal what they and their experts believe is an unfair assessment, but also small business tenants of commercial buildings to whom increased property taxes are passed in normal commercial leases.

3) Is draft legislation or a proposed bill included? no

4) What is the date of any legislative hearing, if known? unknown

5) Was this position previously approved by the CBA? If so, when does/did it expire?

The Litigation Section previously took a position in opposition to a similar bill (House Bill No. 5183) in 2016, but that position expired in 2018.

6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

Not to our knowledge.

7) Potential or actual CBA opposition from another CBA section or committee?

None known.

8) Strength of section position (including process and results of section vote taken on issue):

Unanimous opposition from the Litigation Section Executive Committee.

8) Fiscal impact (on the state):

Unknown.

9) Are you seeking “fast-track” approval?<sup>1</sup>