

FLORIDA: Lawyers Fee in Medical Malpractice

Medical Malpractice Cases: Article I, Section 26 of the Florida Constitution limits the amount of the contingent fee that an attorney may charge in a medical malpractice case. The constitution provides that **a client is entitled to no less than 70% of the first \$250,000** in damages excluding costs, and **90% of all damages over \$250,000, excluding costs**. However, some attorneys who represent clients in medical malpractice cases charge a fee that is more than the constitution's fee limit.

The Rules of Professional Conduct require that an attorney who charges a contingent fee in a medical liability case provide you a copy of the constitution's fee limitations.

The attorney is also required to tell you that these limits apply unless you waive the constitutional limitation on the fee. The attorney must also advise you that you may consult with another attorney before signing a waiver and that you may ask for a hearing before a judge to explain the waiver.

If you choose to waive your right to receive the percentage of the recovery that is provided by the constitution, the attorney must provide you with a detailed waiver form.