

HR 5463

Securities Litigation Attorney Accountability and Transparency Act

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Finance and Financial Sector

Introduced: Feb 14, 2008

Current Status: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Latest Action: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.
(Mar 25, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5463>

Sponsor

Name: Rep. Hensarling, Jeb [R-TX-5]

Party: Republican • State: TX • Chamber: House

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Royce, Edward R. [R-CA-40]	R · CA		Feb 14, 2008
Rep. Cannon, Chris [R-UT-3]	R · UT		Apr 9, 2008
Rep. Johnson, Sam [R-TX-3]	R · TX		Jul 31, 2008
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Sep 11, 2008
Rep. Feeney, Tom [R-FL-24]	R · FL		Sep 24, 2008

Committee Activity

Committee	Chamber	Activity	Date
Financial Services Committee	House	Referred to	Mar 25, 2008
Judiciary Committee	House	Referred to	Mar 17, 2008

Subjects & Policy Tags

Policy Area:

Finance and Financial Sector

Related Bills

Bill	Relationship	Last Action
110 S 3033	Related bill	May 19, 2008: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.
110 HR 3931	Identical bill	Mar 25, 2008: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Securities Litigation Attorney Accountability and Transparency Act - Amends the Securities Exchange Act of 1934 and the Securities Act of 1933 to state that, in any private action in which the court enters a final judgment against plaintiff on the basis of a motion to dismiss, motion for summary judgment, or a trial on the merits, the court shall, upon defendant's motion, determine whether: (1) the position of the plaintiff was not substantially justified; (2) imposition of fees and expenses on the plaintiff's attorney would be just; and (3) the cost of such fees and expenses to the defendant is substantially burdensome or unjust.

Requires the court to award the defendant reasonable fees and other expenses, and impose such fees and expenses on the plaintiff's attorney, if the court makes positive determinations in such a case.

Places the burden of persuasion upon the defendant as to whether or not the position of the plaintiff was substantially justified.

Requires plaintiff and plaintiff's attorney to provide sworn, signed certifications that identify any actual or promised payment by the attorney to the plaintiff, beyond the plaintiff's pro rata share of any recovery.

Requires similar plaintiff and plaintiff's attorney certifications regarding: (1) legal representations; (2) contributions; and (3) conflicts of interest.

Requires the court, in exercising discretion over the approval of lead counsel, to employ a competitive bidding process as one of the criteria (unless the court determines that such a process is not feasible).

Instructs the Comptroller General to study and report to certain congressional committees on average hourly fees in securities class actions.

Actions Timeline

- **Mar 25, 2008:** Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.
- **Mar 17, 2008:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Feb 14, 2008:** Introduced in House
- **Feb 14, 2008:** Referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.