

SB 181 STAFF MEASURE SUMMARY

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

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Meeting Dates: 2/11, 2/18

WHAT THE MEASURE DOES:

Requires court to consider whether attorney provided legal services on a pro bono basis or whether award of attorney fees promotes access to justice when determining amount of award of attorney fees.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The court must consider several factors when determining whether to award attorney fees when there is discretion for them to be awarded, and the amount of award. Such factors include the conduct of the parties, the objective reasonableness of the claim and defense, the extent in which a good faith claim would be deterred by the award of attorney fees, the time required for the representation and novelty and difficulty of the questions involved, the likelihood that the representation would keep the attorney from taking other cases, the customary fee of the location for similar legal services, and several other factors.

Senate Bill 181 requires a court, when determining the amount of an award of attorney fees, to consider whether the attorney performed the services on a pro bono basis or whether the award of attorney fees would promote access to justice.