

SB 181 STAFF MEASURE SUMMARY

Carrier: Rep. Wallan

House Committee On Judiciary

Action Date: 05/24/21

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 4/28, 5/3, 5/24

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:

- Existing factors for determining reasonableness of amount of attorney fees
- Measure does not create new right to attorney fees
- Goal of increasing access to justice
- Increasing pro bono work by attorneys employed by law firms

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The court must consider several factors when determining the amount of an award of attorney fees. Such factors include 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 in the geographic area 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.