

SB 181 STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

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

Action Date: 02/18/21

Action: Do pass.

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

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:

- Measure does not create new right to attorney fees
- Specific factors for court to use for amount of fee to award after decision to award fees has already been made
- Available only in civil proceedings
- Avenues for promoting the public good and access to justice

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.