



2005 ASSEMBLY BILL 149

March 3, 2005 - Introduced by Representatives HUNDERTMARK, KRAWCZYK, GRONEMUS, KERKMAN, HAHN, HINES, LEMAHIEU, GUNDERSON, NASS, BALLWEG, LEHMAN, VOS, TOWNSEND, NISCHKE, VAN ROY, PETROWSKI, MCCORMICK, OTT, ALBERS, VRAKAS, MOLEPSKE and PRIDEMORE, cosponsored by Senators GROTHMAN, STEPP, ROESSLER, LASSA, DARLING and OLSEN. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 814.04 (6); and **to amend** 799.25 (10) (a) of the statutes;
2 **relating to:** attorney fees in civil actions.

Analysis by the Legislative Reference Bureau

Under current law, generally in civil actions the amount a prevailing party may recover in attorney fees is limited by law. If the amount recovered is greater than \$5,000, the attorney fees are \$500. If the amount recovered is from \$1,000 to \$5,000, the attorney fees are \$300. If the amount recovered is less than \$1,000, the attorney fees are \$100. If there is no specific amount recovered or if the action does not involve property, the attorney fees are \$300. Current law reduces these attorney fee awards by half if there is a default judgment or if the action is voluntarily dismissed by the adverse party.

This bill removes the provision that reduces the attorney fees when there is a default judgment or when the action is voluntarily dismissed by the adverse party.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 799.25 (10) (a) of the statutes is amended to read:
4 799.25 (10) (a) Attorney fees as provided in s. 814.04 (1) and (6), except if the
5 amount of attorney fees is otherwise specified by statute.

