

2011 Se1 DRAFTING REQUEST

Senate Amendment (SA-SB12)

Received: 10/27/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jessica King (608) 266-5300

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - civil procedure
Courts - costs and fees

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.King@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Presumption of reasonableness

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 10/27/2011	kfollett 10/27/2011		_____			
/1			rschluet 10/27/2011	_____	lparisi 10/27/2011	lparisi 10/27/2011	

FE Sent For:

<END>

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/?	phurley	11/5f 10/27		_____	_____	_____	_____

FE Sent For:

<END>

Hurley, Peggy

From: Barry, Sarah
Sent: Thursday, October 27, 2011 9:45 AM
To: Hurley, Peggy
Subject: RE: Amendment Request

Importance: High

Peggy,

A language suggestion for the amendment---thank you!

From: Hurley, Peggy
Sent: Thursday, October 27, 2011 9:18 AM
To: Barry, Sarah
Subject: RE: Amendment Request

Thanks, Sarah.

Would you want this to replace the entire (2) in the bill (the material starting on page 3, line 8)?

I think something like this might work:

"(2) (a) In any action to which sub. (1) applies, the defendant shall submit to the court the number of hours billed to the defendant and the hourly rate charged by the defendant's attorney.
(b) The court shall presume that the attorney fees requested by the plaintiff are reasonable if either of the following apply:
1. The defendant fails to submit the information required under par. (a).
2. The attorney fees requested by the plaintiff if the amount of plaintiffs attorney fees are less than or equal to the fees charged by defendants attorneys or if the number of hours billed by plaintiff's attorney is less than or equal to the number of hours billed by the defendants attorney than those fees or hours shall be presumed reasonable.
"

Does that reflect your intent?

Peggy

From: Barry, Sarah
Sent: Thursday, October 27, 2011 9:06 AM
To: Hurley, Peggy
Subject: Amendment Request

Peggy,

Here is the general idea for another amendment:

- The plaintiffs requests for attorney fees are presumed reasonable if a) defendants' counsel refuses to disclose its actual hours billed and regular hourly rate (s) and b) plaintiff's fees are less than defendant's attorney fees. If the defense attorney is in house they would have to disclose hours billed.

Let me know if that is possible and makes sense.

Sarah Barry
Office of Senator Jessica King
18th Senate District
22 South, State Capitol
608-266-5300 Office

608-216-4355 Cell



State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRB:1822/1
PJH:kjfrs

SENATE AMENDMENT,
TO SENATE BILL 12

a1825/1
rnr

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 8: delete lines 8 to 20 and substitute:

3 “(2) (a) In any action to which sub. (1) applies, the defendant shall submit to
4 the court the number of hours billed to the defendant and the standard hourly rate
5 charged by the defendant’s attorney.

6 (b) The court shall presume that the attorney fees requested by the plaintiff are
7 reasonable if either of the following applies:

- 8 1. The defendant fails to submit the information required under par. (a).
- 9 2. The attorney fees requested by the plaintiff are less than the amount billed
- 10 to the defendant.”

11 (END)

Insert

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1825/?ins
.....

1 INSERT:

2 2. The plaintiff's attorney fees are less than or equal to the fees charged by

3 the defendant's attorney or the number of hours billed by the plaintiff's attorney is less

4 than or equal to the number of hours billed by the defendant's attorney.".