2011 Sel DRAFTING REQUEST

Received By: phurley

Senate Amendment (SA-SB12)

Received: 10/27/2011

Wanted:	As time perm	its			Companion to L	RB:			
For: Jessica King (608) 266-5300					By/Representing:				
May Contact:									
Subject: Courts - civil procedur Courts - costs and fees				Addl. Drafters:					
					Extra Copies:				
Submit v	via email: YES								
Requeste	er's email:	Sen.King@	egis.wiscons	sin.gov					
Carbon c	copy (CC:) to:								
Pre Top	ic:								
No speci	fic pre topic gi	ven							
Topic:									
Presump	tion of reasona	bleness							
Instruct	ions:	****							
See attac	hed								
 Drafting	g History:								
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
/?		kfollett 10/27/2011							
/1			rschluet 10/27/2011			lparisi 10/27/2011			
FE Sent	For:			E18 (25)					
				<end></end>					

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For: Jessica King (608) 266-5300				By/Representing:				
May Contact: Subject:	Courts - civil proced	lure		Drafter: phurley				
J • • • • • • • • • • • • • • • • • • •	Courts - costs and fo			Addl. Drafters:				
				Extra Copies:				
Submit via en	nail: YES							
Requester's en	nail: Sen.King	alegis.wisco	nsin.gov					
Carbon copy ((CC:) to:							
Pre Topic:	**************************************							
No specific pr	e topic given							
Topic:								
Presumption of	of reasonableness							
Instructions:								
See attached								
Drafting Hist	tory:							
Vers. Dra	afted Reviewed	Typed	Proofed	Submitted	Jacketed	Required		
/? phu	10/27							
FE Sent For: (D) <end></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.

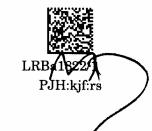
Sarah Barry

Office of Senator Jessica King 18th Senate District 22 South, State Capitol 608-266-5300 Office 608-216-4355 Cell



State of Misconsin 2011 - 2012 LEGISLATURE

September 2011 Special Session



SENATE AMENDMENT,
TO SENATE BILL 12

a1825/

		At the	locations	indicated,	amend	the bill	as follows:
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- 1. Page 3, line 8: delete lines 8 to 20 and substitute:
- "(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 standard 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 applies:
 - 1. The defendant fails to submit the information required under par. (a).
- 2. The attorney fees requested by the plaintiff are less than the amount billed to the defendant.".

(END)

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...:...:...

2011-2012 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

1 INSERT:

2. The plaintiff's attorney fees are less than or equal to the fees charged by defendant's attorney or the number of hours billed by the plaintiff's attorney is less than or equal to the number of hours billed by the defendant's attorney.".