2011 Se1 DRAFTING REQUEST

Received By: phurley

Assembly Substitute Amendment (ASA-SB12)

Received: 11/02/2011

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Wanted: As time permits For: Gary Hebl (608) 266-7678			Companion to LRB: By/Representing: Mike				
						May Contact: Subject: Courts - costs and fees	
Addl. Drafters:							
				Extra Copies:			
Submit via email: YES							
Requester's email: Rep.Hebl@legis.wisconsin.gov							
Carbon copy (CC:) to:							
Pre Topic:						· · · · · · · · · · · · · · · · · · ·	
No specific pre topic given							
Topic:							
Reasonableness of attorney fees; supreme court rule factors							
Instructions:						<u> </u>	
Just like 11s0239							
Drafting History:					***************************************		
Vers. <u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	Jacketed	Required	
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State of Misconsin 2011 - 2012 LEGISLATURE

September 2011 Special Session



ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 12

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AN ACT to create 814.045 of the statutes; relating to: factors for determining

the reasonableness of attorney fees.

Analysis by the Legislative Reference Bureau

Under current law, in certain civil actions a court may grant reasonable attorney fees to a prevailing party or may be asked to determine whether attorney fees sought by a party are reasonable. Under this substitute amendment, to determine whether attorney fees are reasonable, the court must consider several factors set forth by a rule established by the supreme court.

Under the substitute amendment, the factors that the court must consider are the time and labor required by the attorney, the novelty and difficulty of the questions involved, and the skills needed to perform the legal service properly; the likelihood that the acceptance of the particular case will or did prevent the attorney from accepting other work; the fee customarily charged in the locality for similar legal services; the amount involved in the legal dispute and the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and

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ability of the attorney performing the services; and whether the fee is fixed or contingent.

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

SECTION 1. 814.045 of the statutes is created to read:

814.045 Attorney fees; reasonableness. In any action involving the award of attorney fees that are not governed by s. 814.04 (1) or involving a dispute over the reasonableness of attorney fees, the court shall, in determining whether the fees are reasonable, consider all of the factors set forth in SCR 20:1.5 (a).

(END)