

# HOUSE BILL No. 6029

July 22, 1992, Introduced by Reps. Power, Bandstra, Willis Bullard, Strand, Munsell and Nye and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"  
as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 2421h.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as  
2 amended, being sections 600.101 to 600.9947 of the Michigan  
3 Compiled Laws, is amended by adding section 2421h to read as  
4 follows:

5 SEC. 2421H. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
6 ACT, THE COURT SHALL AWARD ATTORNEY'S FEES TO THE PREVAILING  
7 PARTY IN A CIVIL ACTION FROM THE NONPREVAILING PARTY WITH RESPECT  
8 TO, AND ONLY TO THE EXTENT THAT PARTY PREVAILS ON, ANY CLAIM  
9 ADVANCED DURING THE LITIGATION, EXCEPT THAT TOTAL ATTORNEY'S FEES

1 AWARDED UNDER THIS SECTION SHALL NOT EXCEED THE ATTORNEY'S FEES  
2 OF THE NONPREVAILING PARTY WITH REGARD TO THE CLAIM. IF THE NON-  
3 PREVAILING PARTY RECEIVED SERVICES UNDER A CONTINGENT FEE AGREE-  
4 MENT, THE TOTAL ATTORNEY'S FEES AWARDED UNDER THIS SECTION SHALL  
5 NOT EXCEED THE REASONABLE VALUE OF THOSE SERVICES.

6 (2) IN ITS DISCRETION, THE COURT MAY LIMIT THE FEES RECOV-  
7 ERED UNDER SUBSECTION (1) IF THE COURT DETERMINES THE PAYMENT OF  
8 FEES IS UNJUST.

9 (3) COUNSEL OF RECORD IN ALL CIVIL ACTIONS BROUGHT IN A  
10 COURT IN THIS STATE SHALL MAINTAIN ACCURATE, UP-TO-DATE RECORDS  
11 OF HOURS WORKED ON THE MATTER REGARDLESS OF THE FEE ARRANGEMENT  
12 WITH HIS OR HER CLIENT.

13 (4) THIS SECTION DOES NOT AFFECT THE RIGHT OF A PREVAILING  
14 PARTY TO BE AWARDED COSTS UNDER OTHER APPLICABLE LAW WHICH COSTS  
15 INCLUDE ATTORNEY'S FEES THAT EXCEED THE AMOUNT AWARDBLE UNDER  
16 THIS SECTION.

17 (5) AS USED IN THIS SECTION, "PREVAILING PARTY" MEANS A  
18 PARTY TO A CIVIL ACTION WHO OBTAINS A FINAL JUDGMENT, OTHER THAN  
19 BY SETTLEMENT, ON ALL OR A PORTION OF THE CLAIMS ASSERTED DURING  
20 THE LITIGATION.

21 (6) THIS SECTION APPLIES TO CAUSES OF ACTION ARISING AFTER  
22 DECEMBER 31, 1992.