

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 119 (as introduced 1-27-99)
Sponsor: Senator Glenn D. Steil
Committee: Judiciary

Date Completed: 6-8-99

CONTENT

The bill would amend the Revised Judicature Act to require that a court award to the “prevailing party” in a civil action costs, as allowed by statute or court rule, and attorney fees. (“Prevailing party” would mean, in an action involving several remedies or issues, or multiple counts that stated different causes of action or defenses, the party prevailing on every remedy, issue, or count; and, in an action involving only one issue or count, stating only one cause of action or defense, the party prevailing on the entire record.)

The court could limit the costs or fees required under the bill if it determined that the payment of the costs or fees was unjust. If there were no prevailing party, the judge could award costs, as allowed by statute or court rule, and attorney fees to the party who prevailed on one or more issues.

The bill also would require that each counsel of record in a civil action brought in a Michigan court maintain accurate and up-to-date records of hours worked on the matter, regardless of the fee arrangement with his or her client.

The bill would apply notwithstanding any other provision of the Act, and would take effect on January 1, 2001.

Proposed MCL 600.2402

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. Costs that could be assessed to, or received by, the State and local units of government cannot be estimated.

Fiscal Analyst: B. Bowerman

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