

**SENATE BILL NO. 119**

January 27, 1999, Introduced by Senators STEIL, GOUGEON, JAYE,  
SCHWARZ, GOSCHKA, SIKKEMA, BENNETT and MC MANUS and  
referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9948) by adding section 2402.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 2402. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
2 ACT, THE COURT SHALL AWARD COSTS AS ALLOWED BY STATUTE OR COURT  
3 RULE AND ATTORNEY FEES TO THE PREVAILING PARTY IN A CIVIL  
4 ACTION.  
5        (2) IF THERE IS NO PREVAILING PARTY, THE JUDGE MAY AWARD  
6 COSTS AS ALLOWED BY STATUTE OR COURT RULE AND ATTORNEY FEES TO  
7 THE PARTY WHO PREVAILS ON 1 OR MORE ISSUES.  
8        (3) THE COURT MAY LIMIT THE COSTS OR FEES RECOVERED UNDER  
9 SUBSECTION (1) IF THE COURT DETERMINES THE PAYMENT OF COSTS OR  
10 FEES IS UNJUST.

1 (4) EACH COUNSEL OF RECORD IN A CIVIL ACTION BROUGHT IN A  
2 COURT IN THIS STATE SHALL MAINTAIN ACCURATE, UP-TO-DATE RECORDS  
3 OF HOURS WORKED ON THE MATTER REGARDLESS OF THE FEE ARRANGEMENT  
4 WITH HIS OR HER CLIENT.

5 (5) AS USED IN THIS SECTION, "PREVAILING PARTY" MEANS:

6 (A) IN AN ACTION INVOLVING SEVERAL REMEDIES OR ISSUES OR  
7 MULTIPLE COUNTS THAT STATE DIFFERENT CAUSES OF ACTION OR  
8 DEFENSES, THE PARTY PREVAILING ON EVERY REMEDY, ISSUE, OR COUNT.

9 (B) IN AN ACTION INVOLVING ONLY 1 ISSUE OR COUNT STATING  
10 ONLY 1 CAUSE OF ACTION OR DEFENSE, THE PARTY PREVAILING ON THE  
11 ENTIRE RECORD.

12 Enacting section 1. This amendatory act takes effect  
13 January 1, 2001.