

HOUSE RESEARCH

Bill Summary

FILE NUMBER: S.F. 429
Version: First unofficial engrossment
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Subject: Attorney fees awards
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1 Attorney Fees.

Subd. 1. Reasonable relation of fees to damages. Provides that when awarding attorney fees, the court must take into consideration the reasonableness of the attorney fees sought in relation to the amount of damages awarded to the prevailing party, and the relation between the amount of damages sought and the amount of damages actually awarded.

Subd. 2. Offer of judgment. Provides a limit on attorney fees awards in certain cases in which an offer of judgment is made but rejected. Under Rule 68, an offer of judgment may be made at any time more than ten days before trial begins and must be accepted or rejected within ten days after service of the offer. If the party claiming attorney fees does not obtain a verdict in excess of the offer (exclusive of attorney fees), no attorney fees may be awarded for fees incurred after the service of the offer for judgment and the party must disclose the amount of attorney fees incurred within that time frame.

2 **Effective date.** Specifies that the bill is effective August 1, 2012, and applies to actions commenced on or after that date.