

Introduced: 3/24/71  
Referred: Judiciary

1 IN THE HOUSE

BY KERTTULA

2 HOUSE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to allowing attorney fees in small  
7 tort actions; and changing Supreme Court Rules of  
8 Civil Procedure No. 82(a)."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 09.60 is amended by adding a new section to read:

11 Sec. 09.60.015. ATTORNEY FEES IN SMALL TORT ACTIONS. (a) In an  
12 action for damages for an injury or wrong to the person or property,  
13 or both, of another where the amount pleaded is \$1,000 or less, and  
14 the plaintiff prevails in the action, he shall be allowed a reasonable  
15 amount to be fixed by the court as attorney fees for the prosecution  
16 of the action as a part of the costs of the action if the court finds  
17 that written demand for the payment of the claim was made on the  
18 defendant 20 days or more before the commencement of the action.  
19 However, no attorney fees shall be allowed to the plaintiff if the  
20 court finds that the defendant tendered to the plaintiff before the  
21 commencement of the action, an amount not less than the damages awarded  
22 to the plaintiff.

23 (b) If the defendant pleads a counterclaim which does not exceed  
24 \$1,000, and he prevails in the action, he shall be allowed a reasonable  
25 amount to be fixed by the court as attorney fees for the prosecution  
26 of the counterclaim as part of the costs of the action.

27 \* Sec. 2. Sec. 1 of this Act changes Supreme Court Rules of Civil  
28 Procedure No. 82(a) by specifically providing for attorney fees in small  
29 tort actions.