

Original sponsor: Kerttula

Offered: 3/20/72
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO, 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND 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
12 any action for damages where the amount pleaded is \$1,000 or less, and
13 the plaintiff, when represented by counsel, prevails in the action, he
14 shall be allowed a reasonable amount to be fixed by the court as attorney
15 fees for the prosecution of the action as a part of the costs of the
16 action if the court finds that written demand for the payment of the
17 claim was made on the defendant 20 days or more before the commencement
18 of the action. However, no attorney fees shall be allowed to the
19 plaintiff if the court finds that the defendant tendered to the plaintiff
20 before the commencement of the action, an amount not less than the
21 damages awarded to the plaintiff.

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