



LAWS OF ALASKA

1972

Source

SCSHB 349

Chapter No.

18

AN ACT

Relating to allowing attorney fees in small tort actions; and changing Supreme Court Rules of Civil Procedure No. 82(a).

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

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

Sec. 09.60.015. ATTORNEY FEES IN SMALL TORT ACTIONS.

(a) In any action for damages where the amount pleaded is \$1,000 or less, and the plaintiff, when represented by counsel, prevails in the action, he shall be allowed a reasonable amount to be fixed by the court as attorney fees for the prosecution of the action as a part of the costs of the action if the court finds that written demand for the payment of the claim was made on the defendant 20 days or more before the commencement of the action. However, no attorney fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff before the commencement of the action, an amount not less than the damages awarded to the plaintiff.

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

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

Approved by governor: April 4, 1972
Actual effective date: July 3, 1972