

# SENATE BILL REPORT

## SB 5858

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As of February 27, 2003

**Title:** An act relating to recovery of court costs.

**Brief Description:** Changing rules for recovery of court costs.

**Sponsors:** Senators Brandland and Haugen.

**Brief History:**

**Committee Activity:** Judiciary: 2/28/03.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Jinnah Rose-McFadden (786-7421)

**Background:** Generally, the prevailing party in a lawsuit is not entitled to collect costs from the losing party, such as attorneys' fees, unless such a right is: granted by statutory authority governing that cause of action; stated in a contractual provision that has bearing on the lawsuit; or recognized by the court on equitable grounds.

**Summary of Bill:** Parties that prevail, or substantially prevail, in any action, except actions concerning domestic relations law, are entitled to collect costs and disbursements from the losing party or parties. Costs payable to the prevailing party include reasonable attorneys' fees.

A party has prevailed in an action if that party has obtained substantial relief on a material issue before the court.

Courts must determine the reasonableness of attorneys' fees by multiplying the number of hours worked, by a reasonable hourly rate of compensation. An hourly rate is presumed reasonable if it is similar to rates charged by other attorneys working in the same area of the law, on cases of similar complexity.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.