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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 923

02/09/2017 Authored by Knoblach, Scott and Loonan The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to civil actions; providing a factor for determining the amount of attorney
1.3 fees awarded in certain actions; proposing coding for new law in Minnesota
1.4 Statutes, chapter 549.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [549.255] ATTORNEY FEES AWARDS.

1.7 Subdivision 1. Reasonable relation of fees to damages. When a statute provides for
1.8 the award of attorney fees to a party that has recovered money damages, the court, in setting
1.9 the amount of attorney fees, must, in addition to other factors, take into consideration the
1.10 reasonableness of the attorney fees sought in relation to the amount of damages awarded
1.11 to the prevailing party and the relation between the amount of damages sought and the
1.12 amount of damages awarded.

1.13 Subd. 2. Offer of judgment. If an offer of judgment is made by a party under Rule 68
1.14 of the Rules of Civil Procedure to a party who claims money damages pursuant, in whole
1.15 or in part, to a statute that provides for the award of attorney fees, and the party claiming
1.16 attorney fees does not obtain a verdict in excess of the offer, exclusive of attorney fees, no
1.17 attorney fees may be awarded for fees incurred after service of the offer of judgment. The
1.18 party that rejects an offer of judgment must disclose the amount of attorney fees it has
1.19 incurred as of the date of the service of the offer of judgment within the time period provided
1.20 by Rule 68 for the acceptance of an offer of judgment.

2.1 Sec. 2. **EFFECTIVE DATE.**

2.2 Section 1 is effective August 1, 2017, and applies to actions commenced on or after that
2.3 date.