



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2676

government entities; attorney fees

Purpose

Requires the court to award reasonable attorney fees in an action where a governmental entity files a lawsuit against this state.

Background

According to A.R.S. § 12-348, a court is required to award fees and other expenses to any party, other than this state or a city, town or county, that prevails by an adjudication on the merits in certain civil actions and proceedings. Furthermore, in any civil action commenced or appealed in a court of record in this state, with certain exceptions, the court must assess reasonable attorney fees, expenses and, at the court's discretion, double damages of not to exceed \$5,000 against an attorney or party, including this state and political subdivisions of this state, if the attorney or party does any of the following: a) brings or defends a claim without substantial justification; b) brings or defends a claim solely or primarily for delay or harassment; c) unreasonably expands or delays the proceeding; or d) engages in abuse of discovery (A.R.S. § 12-349).

There is no anticipated fiscal impact to the state General Fund.

Provisions

1. Requires the court to award reasonable attorney fees, in addition to costs awarded by statute, to the prevailing party if certain governmental entities file a lawsuit against this state.
2. Becomes effective on the general effective date.

House Action

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| JUD | 02/09/12 | DP | 7-1-0-1 |
| 3 rd Read | 02/29/12 | | 49-5-5-01 |

Prepared by Senate Research
March 9, 2012
GK/tf