
A BILL FOR AN ACT

RELATING TO ATTORNEYS' FEES.

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

1 SECTION 1. Section 607-14.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "**§607-14.5 Attorneys' fees and costs in civil actions.**

4 (a) In any civil action in this State where a party seeks money
5 damages or injunctive relief, or both, against another party,
6 and the case is subsequently decided, the court may, as it deems
7 just, assess against either party, whether or not the party was
8 a prevailing party, and enter as part of its order, for which
9 execution may issue, a reasonable sum for attorneys' fees and
10 costs, in an amount to be determined by the court upon a
11 specific finding that all or a portion of the party's claim or
12 defense was frivolous as provided in subsection (b).

13 In any civil action in this State where a medical tort, as
14 defined by chapter 671 of the Hawaii Revised Statutes, is
15 claimed, the court shall issue as part of its order that the
16 prevailing party be paid a reasonable sum for attorneys' fees
17 and costs, in an amount to be determined by the court upon a





1 specific finding that all or a portion of the party's claim or
2 defense was frivolous as provided in subsection (b)."

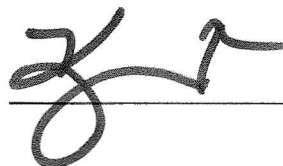
3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



Report Title:

Attorney's fees; medical tort cases

Description:

Provides that prevailing party in a medical tort case shall be awarded attorneys' fees.

