

Regular Session, 2012

SENATE BILL NO. 194

BY SENATOR APPEL

ATTORNEYS. Provides relative to arbitration awards and payment of attorney fees and costs. (8/1/12)

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AN ACT

To amend and reenact R.S. 9:4208, relative to arbitration awards; to provide for payment of attorney fees and costs in arbitration awards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:4208 is hereby amended and reenacted to read as follows:

§4208. Award; **Attorney fees and costs;**

A. The award shall be in writing and shall be signed by the arbitrators or by a majority of them.

B. The award shall include an apportionment of all related attorney fees and costs to the prevailing party by the non-prevailing party. These costs include, but are not limited to, attorney fees, deposition fees, expert fees, filing fees, document copying fees, inspection fees, or any other related cost incurred by the prevailing party in prosecuting or defending the arbitration claim.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Present law provides that arbitration awards shall be in writing and signed by the arbitrators or a majority of the arbitrators.

Proposed law adds that the written award shall include an apportionment of related attorney fees and costs, including deposition fees, expert fees, filing fees, document copying fees, inspection fees or other related costs incurred by the prevailing party in prosecuting or defending the arbitration claim, to be assessed to the losing party.

Effective August 1, 2012.

(Amends R.S. 9:4208)