

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)

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 under certain circumstances; 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. In any arbitration under this Chapter arising from a construction contract, the award may include an equitable apportionment of all related reasonable attorney fees and reasonable costs between the parties. These costs include, but are not limited to, reasonable attorney fees, deposition fees, reasonable expert fees, filing fees, document copying fees, inspection fees, or any other related reasonable cost incurred in the handling of the arbitration claim.

The original instrument was prepared by Julie J. Baxter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Appel (SB 194)

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

Proposed law retains present law and adds that in any arbitration under the present law arising from a construction contract, the award may include an equitable apportionment of all related reasonable attorney fees and reasonable costs between the parties. These costs include, but are not limited to, reasonable attorney fees, deposition fees, reasonable expert fees, filing fees, document copying fees, inspection fees, or any other related reasonable cost incurred in the handling of the arbitration claim.

Effective August 1, 2012.

(Amends R.S. 9:4208)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Limited proposed law to arbitration arising from a construction contract.
2. Changed "shall include" to "may include".
3. Changed from apportionment to the prevailing party to equitable apportionment between the parties.