

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO ATTORNEY'S FEES.

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

1           SECTION 1. The legislature finds that section 28-6, Hawaii  
2 Revised Statutes, has been improperly interpreted by some courts  
3 as a prohibition on an award of attorney's fees and litigation  
4 costs to the department of the attorney general. The department  
5 of the attorney general should not be denied attorney's fees and  
6 litigation costs when it prevails in a court action.

7           The purpose of this Act is to clarify that the law allows a  
8 court to award attorney's fees and litigation costs to the  
9 department of the attorney general when it prevails in a court  
10 action.

11           SECTION 2. Section 28-6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§28-6 No fee; not to act as attorney.** The attorney  
14 general shall not personally receive any fee or reward from or  
15 in behalf of any person or prosecutor, for services rendered in  
16 any prosecution or business to which it shall be the attorney  
17 general's official duty to attend; nor be concerned as counsel



1 or attorney for either party in any civil action depending upon  
2 the same state of facts.

3 This section shall not be interpreted as a prohibition on  
4 an award of attorney's fees and litigation costs to the  
5 department of the attorney general when the State is the  
6 prevailing party in a court action, as authorized by statute,  
7 rule of court, agreement, stipulation, or precedent."

8 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 



# S.B. NO. 889

**Report Title:**

Attorney's Fees; Attorney General

**Description:**

Clarifies that §28-6, HRS, allows an award of attorney's fees and litigation costs to the AG's department, but not to the AG personally.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

