S T A T E O F N E W Y O R K

4577

2011-2012 Regular Sessions

I N S E N A T E

April 12, 2011

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the award of attorneys' fees in class actions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Rule 909 of the civil practice law and rules, as added by chapter 207 of the laws of 1975, is amended to read as follows:

Rule 909. Attorneys' fees. If a judgment in an action maintained as a class action is rendered in favor of the class, the court in its discretion may award attorneys' fees to the representatives of the class OR TO ANY OTHER PERSON THAT THE COURT FINDS HAS ACTED TO BENEFIT THE CLASS based on the reasonable value of legal services rendered and if justice requires, allow recovery of the amount awarded from the opponent of the class.

S 2. This act shall take effect immediately and apply to all actions commenced on or after the date on which it shall have become a law and all actions pending on the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD09315-01-1