



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 522

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: March 14, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 522 will update provisions relating to claim limits and attorney's fees set in Nebraska Revised Statute 25-1801 concerning civil claims. Currently, the county court may award attorneys fees in certain cases concerning (1) services rendered, (2) labor done, (3) material furnished, (4) overcharges made and collected, (5) lost or damaged personal property, (6) damage resulting from delay in transmission or transportation, (7) livestock killed or injured in transit, or (8) charges covering articles and service affecting the life and well-being of the debtor which are adjudged by the court to be necessities of life. In these cases, the potential attorney fee is limited to \$10 plus 10 percent of the claim amount up to \$2,000.

The current claim limit has not been adjusted to reflect court jurisdiction limits since 1967. The current court jurisdiction was raised to \$45,000.00 in 2001. The statute currently sets the limit at the 1967 level of \$2,000.

The attorney fee has not been adjusted since 1953 when the minimum fee of \$10 was reasonable. LB 522 requests that be raised to \$ 20 plus 20%, as well as, increase the claim amount to which this fee would apply to claims under \$5,000. In addition, LB 522 seeks to allow recovery of the full amount of such settlement as well as judgment even in instance were the case is settled prior to disposition. The bill seeks to recover costs and fees even if the principal amount is paid prior to disposition of the case.

Principal Introducer: _____
Senator Ray Aguilar