

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2395

Introduced by Assembly Member Davis

February 24, 2012

An act to amend Section 300 of the Business and Professions Code, relating to consumer affairs; add Section 1033.6 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2395, as amended, Davis. ~~Consumer affairs.~~ *Civil actions: pro per litigant costs.*

Existing law provides that a prevailing party is entitled as a matter of right to recover costs in any action or proceeding, and specifies those items allowable as costs.

This bill would require, in civil proceedings in which a pro per litigant is the prevailing party, that the court, upon motion, award reasonable compensation to the prevailing party for the time and effort required to litigate the matter. The bill would require the court to base the reasonable compensation on the standard rate of compensation for a paralegal assistant in the local market and any economic hardship suffered by the prevailing party in litigating the matter.

~~Existing law, the Consumer Affairs Act, provides authority to the Director of Consumer Affairs to take specified actions to protect and promote the interests of consumers in the state.~~

~~This bill would make technical, nonsubstantive changes to the provision naming that act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1033.6 is added to the Code of Civil*
2 *Procedure, to read:*

3 *1033.6. (a) In any civil proceeding in which a pro per litigant*
4 *is the prevailing party, the court, upon motion, shall award*
5 *reasonable compensation to the prevailing party for the time and*
6 *effort required to litigate the matter. The reasonable compensation*
7 *award by the court pursuant to this section shall be based on both*
8 *of the following factors:*

9 *(1) The standard rate of compensation for a paralegal assistant*
10 *in the local market.*

11 *(2) Any economic hardship suffered by the prevailing party in*
12 *litigating the matter.*

13 *(b) This section shall not apply to unlawful detainer actions.*

14 ~~SECTION 1. Section 300 of the Business and Professions Code~~
15 ~~is amended to read:~~

16 ~~300. This chapter may be known, and cited, as the Consumer~~
17 ~~Affairs Act.~~