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Representative Lesil McGuire
Chair, Judiciary Committee

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Senate Approves Reimbursement to Victorious Defendants **Clarifies Law, Levels Playing Field Antitrust Suits**

(Juneau) – The Alaska State Senate approved House Bill 249 by a vote of 16 to four on Tuesday. Sponsored by House Judiciary Chair Rep. Lesil McGuire (R-Anchorage), HB 249 clarifies the provision of the Alaska Antitrust Act that governs the award of attorney fees and costs to the prevailing party.

“This bill does not create any change in law, but merely clarifies existing law,” McGuire said.

Alaska Rule of Civil Procedure 82(a), the rule that speaks to the award of attorney fees in all civil cases, already states that the prevailing party in a civil case shall be awarded attorney fees that are calculated according to the rule. HB 249 ensures that the provision that authorizes recovery of attorney fees to successful antitrust plaintiffs will not be misinterpreted to prohibit successful antitrust defendants from partially recovering attorney fees in accordance with standard court rules.

“It is unfair to permit a situation where antitrust defendants, or any civil defendants, who go to trial for a complex lawsuit, must be prepared to pay part or all of the plaintiffs’ attorney fees, while plaintiffs face no risk of paying even part of the defendants’ fees if a jury decides that the plaintiffs’ claims are without merit,” McGuire said. “This bill ensures that some right of recovery, along with some risk of having to pay damages, applies to both sides in an antitrust case.”

[HB 249](#) moves to the Governor for approval.

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