

1 S.172

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; mandamus actions; attorney's fees

6 Statement of purpose of bill as introduced: This bill proposes to provide that  
7 attorney's fees and other litigation costs shall be awarded to a person who  
8 substantially prevails in a mandamus action against the State of Vermont  
9 requiring the State to perform mandatory governmental duties required by  
10 statute.

11 An act relating to mandamus actions

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 12 V.S.A. chapter 145 is added to read:

14 CHAPTER 145. MANDAMUS ACTIONS

15 § 4041. MANDAMUS ACTION; ATTORNEY'S FEES; COSTS

16 (a) As used in this section, "State of Vermont" or "State" means: the  
17 Governor; any State agency, board, commission, or department; or any  
18 division of any State agency, board, commission, or department.

19 (b) In an appeal under Rule 75 of the Vermont Rules of Civil Procedure  
20 seeking the relief of mandamus against the State of Vermont, the court shall

1 assess against the State reasonable attorney's fees and other litigation costs  
2 reasonably incurred if the complainant substantially prevails.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.