

HB3879



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3879

Introduced 11/7/2011, by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

815 ILCS 505/10e new
815 ILCS 510/3.5 new

Amends the Consumer Fraud and Deceptive Business Practices Act and the Uniform Deceptive Trade Practices Act. Provides the allowable hourly rates for attorney's fees awarded under both Acts. Provides a calculation to adjust the prices annually starting in calendar year 2013. Effective immediately.

LRB097 14440 AEK 59542 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 10e as follows:

6 (815 ILCS 505/10e new)

7 Sec. 10e. Attorney's fees.

8 (a) The hourly rate of reasonable attorney's fees awarded
9 under this Act shall be calculated as follows:

10 (1) \$475 an hour for very experienced litigators, i.e.,
11 lawyers in their 20th year or thereafter following
12 graduation from law school;

13 (2) \$420 an hour for experienced litigators in their
14 11th through 19th years after law school graduation;

15 (3) \$335 an hour for experienced litigators in their
16 8th through 10th years after graduation from law school;

17 (4) \$275 an hour for senior associates, i.e., 4 to 7
18 years after graduation from law school;

19 (5) \$230 an hour for junior associates, i.e., 1 to 3
20 years after law school graduation; and

21 (6) \$135 an hour for paralegals and law clerks.

22 (b) The hourly rates set forth in this Section shall be
23 increased annually by adding the change in the cost of living

1 for the Chicago area to the applicable hourly rate for the
2 prior year, rounding to the nearest multiple of \$5 (up if
3 within \$3 of the next multiple of \$5). The result shall be
4 subject to adjustment if appropriate to ensure that the
5 relationship between the higher rate and the lower rates
6 remains reasonably constant. Hourly rates shall be annually
7 increased as provided in this subsection (b) starting in
8 calendar year 2013.

9 For the purposes of this Section, "changes in the cost of
10 living for the Chicago area" means the change measured by the
11 Consumer Price Index For All Urban Consumers (CPI-U) for
12 Chicago-Joliet-Naperville, IL (Metropolitan division), as
13 announced by the Bureau of Labor Statistics in May of each
14 year.

15 (c) In determining the base level of the hourly rate
16 allowed under subsection (a), the level of an attorney's
17 experience shall be his or her experience on the date the work
18 for which compensation is sought is performed.

19 Section 10. The Uniform Deceptive Trade Practices Act is
20 amended by adding Section 3.5 as follows:

21 (815 ILCS 510/3.5 new)

22 Sec. 3.5. Attorney's fees.

23 (a) The hourly rate of reasonable attorney's fees awarded
24 under this Act shall be calculated as follows:

1 (1) \$475 an hour for very experienced litigators, i.e.,
2 lawyers in their 20th year or thereafter following
3 graduation from law school;

4 (2) \$420 an hour for experienced litigators in their
5 11th through 19th years after law school graduation;

6 (3) \$335 an hour for experienced litigators in their
7 8th through 10th years after graduation from law school;

8 (4) \$275 an hour for senior associates, i.e., 4 to 7
9 years after graduation from law school;

10 (5) \$230 an hour for junior associates, i.e., 1 to 3
11 years after law school graduation; and

12 (6) \$135 an hour for paralegals and law clerks.

13 (b) The hourly rates set forth in this Section shall be
14 increased annually by adding the change in the cost of living
15 for the Chicago area to the applicable hourly rate for the
16 prior year, rounding to the nearest multiple of \$5 (up if
17 within \$3 of the next multiple of \$5). The result shall be
18 subject to adjustment if appropriate to ensure that the
19 relationship between the higher rate and the lower rates
20 remains reasonably constant. Hourly rates shall be annually
21 increased as provided in this subsection (b) starting in
22 calendar year 2013.

23 For the purposes of this Section, "changes in the cost of
24 living for the Chicago area" means the change measured by the
25 Consumer Price Index For All Urban Consumers (CPI-U) for
26 Chicago-Joliet-Naperville, IL (Metropolitan division), as

1 announced by the Bureau of Labor Statistics in May of each
2 year.

3 (c) In determining the base level of the hourly rate
4 allowed under subsection (a), the level of an attorney's
5 experience shall be his or her experience on the date the work
6 for which compensation is sought is performed.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.