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# Kopp Files Bill To Lift Ceiling On Fee Awards

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SACRAMENTO — A bill to increase substantially a ceiling on attorneys fees that can be collected in cases resulting from "arbitrary and capricious" administrative actions by public agencies has been proposed by Sen. Quentin Kopp, Ind.-San Francisco.

The measure, SB 1737, was introduced Thursday.

The bill would raise the current \$1,500 limit to \$10,000, amending Government Code Section 800. It would apply to administrative actions by local and state public agencies.

"The current limit on attorneys fees of \$1,500 has been in place for 17 years and is no longer a realistic figure," Kopp said in a prepared statement. "This exceedingly low limit frequently means that a party who has been successful in proving capricious action by a public entity or officer cannot recover the actual costs of his or her legal representation."

Daniel Friedlander, an aide to Kopp in Sacramento, said the measure would affect cases brought against public agencies that ruled administratively against plaintiffs and were later found to have acted "arbitrarily or capriciously" in denying the action.

He said the existing code section cites cases such as an individual's unemployment insurance rights or a teacher's right to extra pay on the basis of a "contractual entitlement."

The proposed change would apply to all state and local administrative agencies that lose civil actions filed after the agency rules on the matter, Friedlander said.

Kopp was unavailable for comment Friday, and Friedlander was unaware of any specific cases that prompted the bill. "The senator just came in one day and said let's get an amendment [to the code] because this is unrealistic," Friedlander said. "I'm not sure whether it came out of his own experience as a trial attorney

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or his conversations with other attorneys."

A spokesman for the California Trial Lawyers Association in Sacramento said that its members generally do not handle administrative agency matters, so it probably would not take a position on the bill.

A spokeswoman for the Association of California State Attorneys and Administrative Law Judges said she was not yet aware of the measure. She said legislative positions are only taken by the association after consideration by its board.