

The draft bill can be summarized as follows:

Bill on Good Faith Settlement

Section 1: This section gives protection for the condemnee in case the condemnor tries to "low-ball" the condemnation proceedings. Essentially, if the case goes to trial and the condemnee gets a higher award than that offered by the condemnor, the condemnee is entitled to an award of attorney's fees and costs. This section would give an incentive to governmental authorities to make realistic offers to acquire properties, knowing that there is a risk of a monetary penalty should the jury believe the value is higher.

This is a change from present Hawaii law. The Hawaii Supreme Court, in a case called *State v. Davis*, held that the condemnee is not entitled to recover attorney's fees, even if the amount recovered at trial is substantially greater than that offered by the condemnor.