

ASSEMBLY BILL NO. 624—COMMITTEE ON JUDICIARY
(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 19, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provision concerning procedure for awards of attorney's fees in civil action.
(BDR 2-852)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to civil practice; removing a provision that specifies that an oral application or written motion for attorney's fees does not affect a final judgment or the time for an appeal; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 18.010 is hereby amended to read as follows:
2 18.010 1. The compensation of an attorney and counselor for his
3 services is governed by agreement, express or implied, which is not
4 restrained by law.
5 2. In addition to the cases where an allowance is authorized by specific
6 statute, the court may make an allowance of attorney's fees to a prevailing
7 party:
8 (a) When he has not recovered more than \$20,000; or
9 (b) Without regard to the recovery sought, when the court finds that the
10 claim, counterclaim, cross-claim or third-party complaint or defense of the
11 opposing party was brought without reasonable ground or to harass the
12 prevailing party.
13 3. In awarding attorney's fees the court may pronounce its decision on
14 the fees at the conclusion of the trial or special proceeding without written
15 motion and with or without presentation of additional evidence.

- 1 4. ~~{No oral application or written motion for attorney's fees alters the~~
2 ~~effect of a final judgment entered in the action or the time permitted for an~~
3 ~~appeal therefrom.~~
- 4 ~~5. Subsections 2, 3 and 4}~~ *Subsections 2 and 3* do not apply to any
5 action arising out of a written instrument or agreement which entitles the
6 prevailing party to an award of reasonable attorney's fees.
- 7 **Sec. 2.** This act becomes effective upon passage and approval.

~