

Assembly Bill No. 624—Committee on Judiciary

CHAPTER.....

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:

- Section 1.** NRS 18.010 is hereby amended to read as follows:
- 18.010 1. The compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law.
2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
- (a) When he has not recovered more than \$20,000; or
 - (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party.
3. In awarding attorney's fees the court may pronounce its decision on the fees at the conclusion of the trial or special proceeding without written motion and with or without presentation of additional evidence.
4. ~~1. No oral application or written motion for attorney's fees alters the effect of a final judgment entered in the action or the time permitted for an appeal therefrom.~~
- ~~5. Subsections 2, 3 and 4~~ **Subsections 2 and 3** do not apply to any action arising out of a written instrument or agreement which entitles the prevailing party to an award of reasonable attorney's fees.
- Sec. 2.** This act becomes effective upon passage and approval.

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