Fifty-ninth Legislative Assembly of North Dakota

HOUSE BILL NO. 1493

Introduced by

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Representatives Monson, Haas, Herbel Senators Cook, Freborg

- 1 A BILL for an Act to provide for a limitation on the awarding of attorney's fees in civil actions
- 2 against the state or a political subdivision.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 SECTION 1. Civil action against state or political subdivision Attorney's fees.
- 5 The attorney's fees awarded to a plaintiff's attorney in a class action against the state or a
- 6 political subdivision may not be calculated on a percentage fee basis. In a class action against
- 7 the state or a political subdivision in which the plaintiff prevails, the court shall award attorney's
- 8 fees based upon the number of hours reasonably expended on the litigation multiplied by a
- 9 reasonable hourly rate. To determine the amount of attorney's fees to be awarded, the court
- 10 shall consider the number of hours expended on the litigation, the amount and nature of the
- 11 judgment, the experience of the attorney, the fees customarily charged in the locality for similar
- 12 legal services, the complexity of the litigation, the specialized nature of the issues in the case,
- 13 the urgency of the case, and the impact the payment of the fees will have on the state or
- 14 political subdivision.