

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1493

Introduced by

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.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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