

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 or a political subdivision.

3 **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.