

Attorney's Fees Update Shelby O'Brien

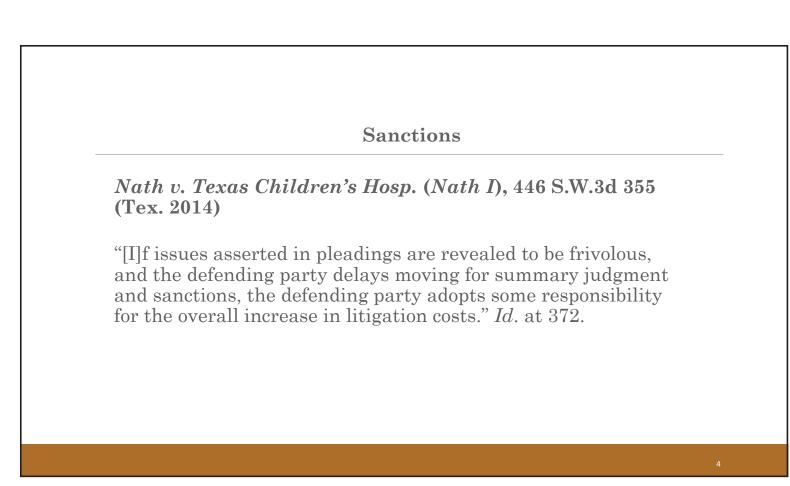
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Attorney's Fees Must Be Authorized

Attorney's fees must be authorized by statute, rule, or contract.

Chapter 38: Breach of Contract Claims

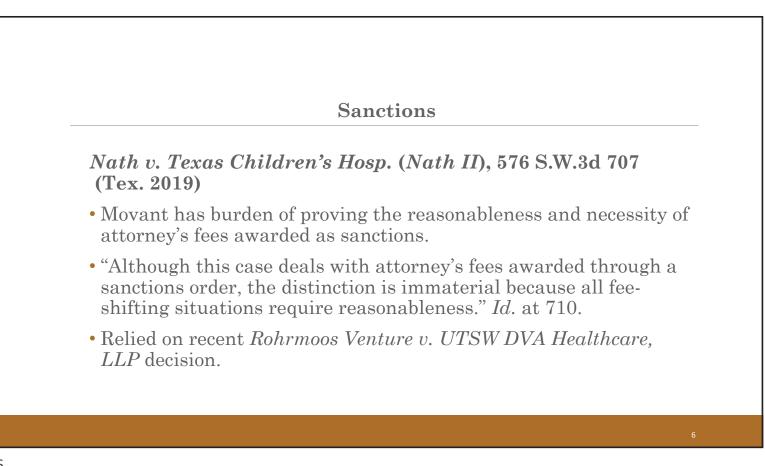
- Still limited to claims against individuals and corporations.
- Legislation failed last two sessions. *See, e.g.*, HB No. 790, 86th Leg., R.S. (2019); H.B. No. 744, 85th Leg., R.S. (2017).



Sanctions

Christus Health Gulf Coast v. Carswell, 505 S.W.3d 528 (Tex. 2016)

- Reversed a sanctions award on grounds that it was an "arbitrary fine without evidentiary support."
- "[W]hen a party seeks attorney's fees as sanctions, the burden is on that party to put forth some affirmative evidence of attorney's fees incurred and how those fees resulted from or were caused by the sanctionable conduct." *Id.* at 540.



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Also available as part of the eCourse <u>Hot Topics in Appellate Law Practice (2020): Attorney's Fees, Enforceability of</u> <u>NDAs, and Persuasive Authority</u>

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