

Attorneys' Fees Update

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Hot Topics Relating to Fees

- General vs. Specific Pleading
- Lodestar Proof Requirements
- Applicability of Chapter 38
- Attorneys' Fees as Sanctions
- Lightning Round
 - Segregation
 - Anti-SLAPP
 - Prevailing Party
 - Rule 91

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Pleading for Attorneys' Fees



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Pleading for Attorneys' Fees

“[T]he party requesting attorneys’ fees must affirmatively plead for them to be eligible for a judgment containing a fee award.”

—Texas Supreme Court (2015)
Wells Fargo Bank v. Murphy

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Pleading for Attorneys' Fees

Is a general prayer for “attorneys’ fees as authorized by law” sufficient?

Answer: It depends.

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Pleading for Attorneys' Fees

“If a party pleads facts which, if true, entitle him to the relief sought, he need not specifically plead the applicable statute in order to recover attorney’s fees under it.”

—First Court of Appeals (2015)
Whallon v. City of Houston

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First appeared as part of the conference materials for the 27th Annual Conference on State and Federal Appeals session "Attorneys' Fees Update"