

# Attorneys' Fees Update

Anne Johnson  
Polly Fohn

haynesboone

© 2015 Haynes and Boone, LLP

1

## 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

haynesboone

© 2015 Haynes and Boone, LLP

2

## Pleading for Attorneys' Fees

---



haynesboone

© 2015 Haynes and Boone, LLP

3

## 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*

haynesboone

© 2015 Haynes and Boone, LLP

4

## Pleading for Attorneys' Fees

---

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

**Answer:** It depends.

haynesboone

© 2015 Haynes and Boone, LLP

5

## 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*

haynesboone

© 2015 Haynes and Boone, LLP

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Attorneys' Fees Update

Also available as part of the eCourse

[Attorneys' Fees Update](#)

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