

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH60085-LD-8 (12/17)

Short Title: Prevailing Party Awarded Attorneys' Fees. (Public)

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Sponsors: Representative LaRoque.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AS THE GENERAL RULE IN CIVIL ACTIONS THAT  
THE COURT AWARD ATTORNEYS' FEES TO THE PREVAILING PARTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 19 of Chapter 1 of the General Statutes is amended by  
adding a new section to read:

**"§ 1-186.1. Attorneys' fees awarded to prevailing party.**

(a) General Rule. – The prevailing party is entitled to receive an award of attorneys' fees from the nonprevailing party with respect to, and only to the extent that party prevails on, any claim advanced during the litigation, except that the sum of the attorneys' fees awarded under this section shall not exceed the attorneys' fees of the nonprevailing party with regard to the claim. If the nonprevailing party received services under a contingent fee agreement, the sum of the attorneys' fees awarded under this section shall not exceed the reasonable value of those services.

(b) Discretion. – The court may, in its discretion, limit the fees recovered under subsection (a) of this section if it considers payment of these fees unjust.

(c) Records. – Counsel of record in actions subject to an award of attorneys' fees under this section shall maintain accurate, up-to-date records of hours worked on the matter regardless of the fee arrangement with the client.

(d) Statutory Exceptions. – This section does not apply when a specific statute otherwise addresses an award of attorneys' fees."

**SECTION 3.** This act becomes effective October 1, 2005, and applies to actions filed on or after that date.