

1 HOUSE BILL NO. 706

2 INTRODUCED BY B. MERCER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR AN AWARD OF ATTORNEY
5 FEES; PROVIDING ELEMENTS A PARTY PREVAILING AGAINST THE GOVERNMENT SHALL ESTABLISH
6 WHEN SEEKING A CLAIM FOR ATTORNEY FEES; AND PROVIDING AN EXCEPTION."
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10 NEW SECTION. Section 1. Attorney fees. (1) When a party who has prevailed against the state
11 government seeks a claim for attorney fees from a court based on applicable legal authority, the party shall
12 show:

13 (a) an engagement letter or representation agreement from the outset of the engagement stating
14 the scope of representation and the attorneys' hourly rates;

15 (b) daily documentation of work performed showing the time spent on specific tasks in increments
16 of time less than one-quarter hour for each entry as reflected in invoices submitted to the party from counsel
17 within 60 days of the work performed; and

18 (c) proof of payment of the invoices within 30 days of receipt.

19 (2) The required showings in subsection (1) do not apply to a party that has prevailed against the
20 state government if the prevailing party had at the end of the most recent fiscal year income and assets that
21 together did not exceed \$250,000.

22 (3) For any disclosure required by subsections (1)(a) or (1)(b), a party may redact information
23 protected by attorney-client privilege.
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25 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
26 integral part of Title 25, chapter 10, part 3, and the provisions of Title 25, chapter 10, part 3, apply to [section 1].
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