

Rule 73. Attorney fees.

(a) Time in which to claim. Attorney fees must be claimed by filing a motion for attorney fees no later than 14 days after the judgment is entered, except as provided unless the party claims attorney fees in accordance with the schedule in paragraph (f) of this Rule, or in accordance with Utah Code Section 75-3-718, and no objection to the fee has been made.

(b) Content of motion. The motion must:

(b)(1) specify the judgment and the statute, rule, contract, or other basis entitling the party to the award;

(b)(2) disclose, if the court orders, the terms of any agreement about fees for the services for which the claim is made;

(b)(3) specify factors showing the reasonableness of the fees, if applicable;

(b)(4) specify the amount of attorney fees claimed and any amount previously awarded; and

(b)(5) disclose if the attorney fees are for services rendered to an assignee or a debt collector, the terms of any agreement for sharing the fee and a statement that the attorney will not share the fee in violation of Rule of Professional Conduct 5.4.

(c) Supporting affidavit. The motion must be supported by an affidavit or declaration that reasonably describes the time spent and work performed, including for each item of work the name, position (such as attorney, paralegal, administrative assistant, etc.) and hourly rate of the persons who performed the work, and establishes that the claimed fee is reasonable.

(d) Liability for fees. The court may decide issues of liability for fees before receiving submissions on the value of services. If the court has established liability for fees, the party claiming them may file an affidavit and a proposed order. The court will enter an order for the claimed amount unless another party objects within 7 days after the affidavit and proposed order are filed.

(e) Fees claimed in complaint. If a party claims attorney fees under paragraph (f), the complaint must state the basis for attorney fees, ~~state the amount of attorney fees allowed by the schedule,~~ cite the law or attach a copy of the contract authorizing the award, and, ~~if the attorney fees are for services rendered to an assignee or a debt collector,~~ state a statement that the attorney will not share the fee in violation of Rule of Professional Conduct 5.4.

(f) Schedule of fFees. Attorney fees awarded under ~~the schedule~~ this Rule may be augmented ~~only for considerable additional efforts in collecting or defending the judgment and only after further order of the court~~ upon submission of a motion and supporting affidavit meeting the requirements of paragraphs (b) and (c) of this Rule within a reasonable time after the fees were incurred, except as provided in paragraphs (f)(1), (f)(2) and (f)(3) of this Rule, and only where the augmented fees sought exceed those already awarded.

Amount of Damages, Exclusive of Costs, Attorney Fees and Post-Judgment Interest, Between	and:	Attorney Fees Allowed
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0.00	1,500.00	250.00
1,500.01	2,000.00	325.00
2,000.01	2,500.00	400.00
2500.01	3,000.00	475.00
3000.01	3,500.00	550.00
3500.01	4,000.00	625.00
4,000.01	4,500.00	700.00
4,500.01	or more	775.00

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(f)(1) Fees upon entry of uncontested judgment. When a party seeks a judgment-, the responding party does not contest entry of judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has complied with paragraph (e) of this Rule, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$350.00 for such attorney fees without a supporting affidavit.

(f)(2) Fees upon entry of judgment after contested proceeding. When a party seeks a judgment, the responding party contests the judgment by presenting at a hearing either evidence or argument, and the party seeking the judgment has established its right to attorney fees, the request for judgment may include a request for attorney fees, and the clerk or the court shall allow any amount requested up to \$750 for such attorney fees without a supporting affidavit.

(f)(3) Post Judgment Collections. When a party has established its entitlement to attorney fees under any paragraph of this Rule, and subsequently:

(f)(3)(A) applies for any writ pursuant to Rules 64, 64A, 64B, 64C, 64D, or 64E; or

(f)(3)(B) files a motion pursuant to Rules 64(c)(2) or 58C or pursuant to Utah Code § 35A-4-314, a party may request as part of its application for the writ or motion that its judgment be augmented according the following schedule, and the clerk or the court shall allow such augmented attorney fees request without a supporting affidavit if it approves the writ or motion:

<u>Action</u>	<u>Attorney Fees Allowed</u>
<u>Application for any writ under Rule 64, including 1st application for a writ under Rule 64D</u>	<u>\$75.00</u>
<u>Any subsequent application for a writ under Rule 64D to the same garnishee</u>	<u>\$25.00</u>
<u>Any motion filed with the court under Rule 64(c)(2), Utah Code Ann 35A-4-314, or Rule 58C</u>	<u>\$75.00</u>
<u>Any subsequent motion under Rule 64(c)(2), Utah Code Ann 35A-4-314, or Rule 58C filed within 6 months of the previous motion</u>	<u>\$25.00</u>

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55 (f)(4) Fees in excess of the schedule. If a party seeks attorney fees in excess of the amounts
56 set forth in paragraphs (f)(1), (f)(2), or (f)(3) of this Rule, the party shall comply with paragraphs (a)
57 through (c) of this Rule.

58 (f)(5) Objections. Nothing in this paragraph shall be deemed to eliminate any right a party may
59 have to object to any claimed attorney fees.

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61 **Advisory Committee Notes.**

62 To substitute the current Advisory Committee Notes:

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64 2018 Advisory Committee Notes

65 An overwhelming number of cases filed in the courts, especially debt collection cases, result in the entry
66 of an uncontested judgment. The work required in most cases to obtain an uncontested judgment does
67 not typically depend on the amount at issue. As such, the prior schedule of fees based on the amount of
68 damages has been eliminated, and instead replaced by a single fee upon entry of an uncontested
69 judgment that is intended to approximate the work required in the typical case. A second amount is
70 provided where the case is contested and fees are allowed, again in an effort to estimate the typical cost
71 of litigating such cases. Where additional work is required to collect on the judgment, the revised rule
72 provides a default amount for writs and certain motions and eliminates the “considerable additional
73 efforts” limitation of the prior rule. It also recognizes that defendants often change jobs, and thus provides
74 for such default amounts to vary depending on whether a new garnishee is required to collect on the
75 outstanding amount of the judgment. Thus, the amended rule attempts to match the scheduled amounts
76 to the work required of attorneys, rather than tying the scheduled amounts solely to the damages claimed.
77 But the rule remains flexible so that when attorney fees exceed the scheduled amounts, a party remains
78 free to file an affidavit requesting appropriate fees in accordance with the rule.