

§ 12.42 Motion for Attorney Fees and Costs

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],

Plaintiff-Appellee,

vs.

[Insert Appellate Court Case Number]

[Insert Name],

Defendant-Appellant.

MOTION FOR ATTORNEY FEES AND COSTS

Appellee asks for attorney fees and costs because (the district court had authority to award fees) (this appeal is frivolous).

1. *Background.* This appeal was argued to the court on [Insert Date]. This motion was filed within 14 days of the date of oral argument.
2. *Authority.* Supreme Court Rules 5.01, 7.07(b) and 7.07(c).
3. *Reasons.* [Insert Argument]
4. Amount requested. Appellee has incurred attorney fees in the amount of \$12,005.25 and costs in the amount of \$599.29 as evidenced by Exhibits A and B. The affidavit of counsel is Exhibit A. The itemization of fees and costs incurred in conjunction with the appeal is attached as Exhibit B.

For these reasons, Appellee asks this court to award attorney fees and direct the mandate from this court to reflect this assessment so that execution can issue according to law.

Attorney's Signature

/s/ _____

Attorney's Name (typed or printed)

Kansas Attorney Registration Number

Address

Telephone Number

Fax Number

E-mail Address

Name of the Party Represented

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion for Attorney Fees and Costs was sent by [Insert Method] on [Insert Date] to:

[Insert names and addresses of those on whom service is made.]

/s/ _____

Attorney's Name and Registration Number

PRACTICE NOTE: If oral argument is waived, this motion must be filed not later than 14 days after the day argument is waived or the date of the letter assigning the case to a non-argument calendar, whichever is later. An affidavit must be attached to the motion specifying: (A) the nature and extent of the services rendered; (B) the time expended on the appeal; and (C) the factors considered in determining the reasonableness of the fee. Kansas Rule of Professional Conduct 1.5 regarding fees should be followed. According to Supreme Court Rule 7.07(b)(1), an appellate court can award attorney fees for the appeal in a case in which the district court had authority to award attorney fees. Attorney fees may also be awarded in a frivolous appeal. Rule 7.07(c). Costs for preparation of unnecessary transcripts may be recovered under Rule 7.07(d).