

**BOLHOUSE, BAAR & HOFSTEE, P.C.**  
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**Dutch Treat**

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Becoming involved in a lawsuit can be stressful and, let's face it, expensive. Oftentimes clients want to know whether they can ask the other party to pay their attorney fees. The answer to that question is the classic attorney response: that depends.

The "American Rule" is that each party pays their own attorney fees and it is the rule in litigation across the country. As with any rule, however, there are exceptions. For example, the parties to a contract may agree, in writing and signed by the parties, that if litigation becomes necessary the prevailing party will be paid their attorney fees. This is something every business owner should have on their sales agreements, especially to cover any collection efforts that might be under-taken.

There are also several statutes that allow for the prevailing party to have their attorney fees paid, such as the Michigan Consumer Protection Act, Whistleblowers' Protection Act claims, and Civil Rights Act claims, among others. In a divorce action, the court may order one party to pay the attorney fees for the other party as part of the division of property.

Under the Michigan Court Rules, there are also certain circumstances under which a court could award attorney fees. For example, if a person files a frivolous lawsuit or advances a frivolous defense to a claim, he may be obligated to pay the attorney fees of the other party. Additionally, if a party to litigation refuses to cooperate with exchanging relevant information about the case, the court may award attorney fees to the other party.

There are many more avenues for attorney fees to be awarded. Contact any one of our attorneys if you have questions about your specific case.