



Attorneys' Fees

Overview

Under Florida law, courts may award reasonable attorneys' fees and other **litigation** expenses in a **dissolution of marriage** and other post-dissolution proceedings, such as **modifications and enforcement**, and **appeals**. (Fla. Stat. § 61.16).

Courts primarily consider the financial resources of both parties. It may enter an award of attorneys' fees and costs where one spouse has a greater need, and the other spouse has a greater ability to pay. Courts will also take into account other factors, including:

- ▶ the scope and history of the litigation,
- ▶ the duration of the litigation,
- ▶ the merits of each party's respective positions, and
- ▶ whether one party causes frivolous or unnecessary litigation.

Even if the Court finds an award of attorneys' fees appropriate, the fees must be reasonable.

The ability to pay should not dissuade someone from filing for **divorce** or seeking legal representation. The purpose of this statute is to ensure that both parties have a similar ability to secure competent legal counsel.

If you are considering **divorce**, be sure to consult with an experienced attorney about requesting attorneys' fees early on in the proceedings or at any other appropriate time. It is also critically important to discuss the possibility of having to pay the other party's attorneys' fees as well as your own.

The **Family Law attorneys** at **Kelley Kronenberg** can help you determine how the attorneys' fee statute may impact your case and advise you of the risks and benefits.

Meet Our Team

Lead Partner(s)



Tracy Newmark
Partner, Fort Lauderdale


Partner(s)



Natalie S. Kay
Partner, Fort Lauderdale


Attorneys



Monica D. Offredi
Attorney, Fort Lauderdale

