

3760 DAMAGES: ATTORNEY FEES

In determining the amount of compensation to which an attorney is entitled for such services as the attorney rendered on behalf of a client, you may take into consideration the time spent by the attorney in the performance of his or her work, the difficulties involved therein, the results obtained for the client, together with the attorney's reputation in his or her profession for learning, skill, ability, and integrity.

You may also take into consideration amounts customarily charged in this community for similar services. You are to make your determination on all of the evidence in this case.

The burden of proof as to the amount of reasonable compensation is on the plaintiff.

The burden of proof as to the amount of payments that have been made is on the defendant.

COMMENT

This instruction was approved by the Committee in 1979. Editorial changes were made in 1994 to address gender references in the instruction. No substantive changes were made to the instruction.