

Judge, Jury and... Attorney's Fees

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When a contract awards attorneys' fees to one party in a contract action, California Civil Code § 1717 intervenes by a) directing the attorney's fees to the prevailing party, regardless of the party awarded fees in the contract, and b) requiring the court to fix the attorney's fees as an element of the costs of suit. But does § 1717 supplant the right to a jury trial in situations where attorney's fees are sought as damages, instead of as costs? As the California Court of Appeal recently held in *Monster, LLC v. Superior Court of Los Angeles County*: No... [Continue Reading](#)

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