

Friday

27th

February, 2009.

It is ordered that the Rule heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective May 1, 2009.

Add Rule 3:25 to read as follows:

Rule 3:25. Claims for Attorney's Fees.

A. Scope of Rule. -- This rule applies to claims for attorney's fees, excluding (i) attorney's fees under § 8.01-271.1 of the Code of Virginia, and (ii) attorney's fees in domestic relations cases.

B. Demand. -- A party seeking to recover attorney's fees shall include a demand therefor in the complaint filed pursuant to Rule 3:2, in a counterclaim filed pursuant to Rule 3:9, in a cross-claim filed pursuant to Rule 3:10, in a third-party pleading filed pursuant to Rule 3:13, or in a responsive pleading filed pursuant to Rule 3:8. The demand must identify the basis upon which the party relies in requesting attorney's fees.

C. Waiver. -- The failure of a party to file a demand as required by this rule constitutes a waiver by the party of the claim for attorney's fees, unless leave to file an amended pleading seeking attorney's fees is granted under Rule 1:8.

D. Procedure. -- Upon the motion of any party, the court shall, or upon its own motion, the court may, in

advance of trial, establish a procedure to adjudicate any claim for attorney's fees.

A Copy,

Teste:

Clerk