

## Winning Just Got Cheaper: Florida Court Removes Key Barriers to Recover Prevailing Party Attorneys' Fees

Article  
Lowndes  
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A recent appellate decision may significantly change how businesses and litigants approach the recovery of attorneys' fees in Florida and may reduce both the time and cost required to do so.

### The Traditional Barriers to Recovering Attorneys' Fees in Florida

For more than sixty years, recovering attorneys' fees in Florida has required more than simply establishing the right to recover them. Even after a court determines that a party is entitled to fees, the prevailing party typically must navigate a second, often costly process. That process usually includes filing additional motions, producing detailed attorney billing records, retaining an expert fee witness, and presenting testimony at an evidentiary hearing.

Compounding the problem, the fees incurred during that process, commonly referred to as "fees on fees," are generally not recoverable. This built-in inefficiency has discouraged many litigants from seeking fees even when they prevailed in the lawsuit.

### *Ruffenach v. Deutsche Bank* and the Sixth DCA's Holding

The Sixth District Court of Appeal has begun dismantling long-standing barriers to recovering attorneys' fees. On March 20, 2026, the court issued its opinion in *Ruffenach v. Deutsche Bank National Trust Co.*, a decision the court itself described as a "sea change" in Florida civil litigation.

In *Ruffenach*, the appellate court rejected the long-standing assumption that courts must always receive expert testimony and conduct evidentiary hearings before awarding attorneys' fees in each case. Instead, the court held that:

- Trial courts are not automatically required to hear expert testimony before awarding fees; and

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- An evidentiary hearing is unnecessary where no genuine factual disputes exist beyond the reasonableness of the attorneys' hourly rates and time expended.

In practical terms, this means that, in many cases, parties may now be able to obtain fee awards more efficiently and without the added expense and delay of expert witnesses and formal hearings.

## When Expert Testimony and Evidentiary Hearings Are Still Required

Importantly, the court did not eliminate expert testimony or evidentiary hearings entirely. It made clear that courts may still require both in more complex or fact-intensive situations. These include, but are not limited to, disputes involving historical facts, such as whether litigation could have been avoided, or issues that fall outside a judge's expertise, such as whether a contingency fee multiplier is appropriate based on market conditions.

The court also emphasized that parties remain free to present expert testimony whenever they believe it will strengthen their position.

## Practical Implications for Businesses and Litigants

For companies and individuals involved in litigation, the implications are significant. By reducing the need for evidentiary hearings and expert testimony, parties can expect lower costs when pursuing fee recovery. At the same time, streamlined procedures may lead to faster resolutions by shortening the gap between establishing the right to recover fees and actually receiving payment.

Just as importantly, this increased efficiency can shift litigation dynamics by enhancing leverage in negotiations and potentially influencing litigation strategy and settlement outcomes. The court was candid about the broader impact of its ruling, noting that prior requirements had resulted in "misspent expenditure of hundreds of thousands if not millions of hours" by attorneys and judges statewide.

## Why the Sixth District's Approach Matters Going Forward

As a newly established court, the Sixth District Court of Appeal occupies a unique position that allows it to reassess long-standing precedent without the same precedential impediments that shape more established courts. *Ruffenach* makes clear that the Sixth DCA is not inclined to simply follow tradition for its own sake. Instead, the decision reflects a clear willingness to question and, where it sees fit, deviate from decades-old practices that it views as inefficient or unsupported.

For litigants, this signals more than just a single decision. It reflects a court prepared to actively shape and, where necessary, recalibrate Florida law going forward.