

## AFFORDING THE COSTS OF LITIGATION

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Persons wanting to get divorced often worry that they can't because their spouse is in control of the family assets and they don't have the money to retain a family law lawyer. Nevada divorce law permits a party to gain a court order requiring their spouse to pay their attorney's fees. This allows the person not in control of the family assets to meet their spouse on equal footing in the courtroom.

Nevada law states the following:

“...During the pendency of [a divorce], the court may, in its discretion, require either spouse to pay money necessary for the prosecution of the action”<sup>1</sup>...

This provision is to allow courts to provide parties with fees and costs, to pursue the case, once the party applies for fees with the Court and the Court considers the financial status of the parties.

The amount of money which the Court awards to a spouse, in need of assistance, is completely within the Judge's discretion<sup>2</sup>.

The rationale for allowing the party not in control of the assets to remain protected is based on community property concepts. The spouse in control of the assets is controlling community assets – in other words, he or she is controlling assets that belong to *both* parties. The law will not permit one party to gain an unfair advantage over the other by withholding assets that belong to the two equally. So if you need to hire a Las Vegas divorce lawyer remember that, even if your spouse is controlling all your assets, you still may be able to retain legal services.

Click [here](#) for more information on contested divorce in Nevada.

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<sup>1</sup> NRS 125.200(1)

<sup>2</sup> *Sargeant v. Sargeant*, 88 Nev. 223 (1972)