

AT ANY POINT IN A PROCEEDING UNDER THIS TITLE, THE COURT MAY ORDER EITHER PARTY TO PAY TO THE OTHER PARTY AN AMOUNT FOR THE REASONABLE AND NECESSARY EXPENSE OF PROSECUTING OR DEFENDING THE PROCEEDING.

(C) REQUIRED CONSIDERATIONS.

BEFORE ORDERING THE PAYMENT, THE COURT SHALL CONSIDER:

(1) THE FINANCIAL RESOURCES AND FINANCIAL NEEDS OF BOTH PARTIES; AND

(2) WHETHER THERE WAS SUBSTANTIAL JUSTIFICATION FOR PROSECUTING OR DEFENDING THE PROCEEDING.

(D) EXPENSES PAID PREVIOUSLY.

THE COURT MAY AWARD REIMBURSEMENT FOR ANY REASONABLE AND NECESSARY EXPENSE THAT HAS PREVIOUSLY BEEN PAID.

(E) COUNSEL FEES.

AS TO ANY AMOUNT AWARDED FOR COUNSEL FEES, THE COURT MAY:

(1) ORDER THAT THE AMOUNT AWARDED BE PAID DIRECTLY TO THE LAWYER; AND

(2) ENTER JUDGMENT IN FAVOR OF THE LAWYER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 16, § 3.

In subsection (b) of this section, the former reference to "a divorce" is deleted. The deleted former language suggested that former Article 16, § 3 was intended to apply to an award of expenses in any divorce proceeding, rather than only in a divorce proceeding in which alimony is prayed, and that the word "title" in the language "under this title" referred to former Article 16. This suggestion was misleading for several reasons. The word "title" appeared elsewhere in former Article 16, §§ 1 through 5, in contexts in which the word could only be construed to refer to the provisions for alimony. See, e.g., former Article 16, § 5(a), in which both "article" and "title" were used, each mutually exclusive of the other. Also, the title of Ch. 575, Acts of 1980, the bill that enacted former Article 16, § 3, clearly limited the scope of that bill to alimony. Because of the narrow title of the bill, principles of statutory construction dictate against an interpretation that "under this title" in former Article 16, § 3 referred to former Article 16 in its entirety. See, e.g., Williams and Fulwood v.