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THE WHITE HOUSE

WASHINGTON

December 16, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Justice Draft Bill, "The Legal Fees Reform Act"

Attached is a brief memorandum reiterating your concerns about the fee cap bill. Also attached is an editorial from today's Post that I suspect will figure prominently in any effort to counter your arguments and proceed with the bill.

Attachment

Attorney's Fees

PROFESSOR Laurence Tribe of Harvard Law School won a big constitutional case against the Commonwealth of Massachusetts and is therefore, by federal statute, allowed to collect "reasonable" attorney's fees from the loser. But the state is refusing to pay his \$332,000 bill, which is based in part on an hourly rate of \$275. No wonder. That's a pretty hefty fee for a moonlighting academic who wins a liquor license case. Yes, a liquor license.

Prof. Tribe, with two assistants, represented a restaurant in challenging a state statute that granted churches and schools a veto power over liquor license applications by nearby businesses. After three years he won decisively in the Supreme Court, arguing that this delegation of a governmental licensing decision to a private party, particularly a religious organization, violated due process and the establishment clause of the First Amendment. Under a 1976 federal statute, attorneys who win constitutional and civil rights cases against governments can request the court to make the losing defendant pay "reasonable" attorney's fees. The purpose is to promote vindication of those rights.

Prof. Tribe can command high fees from his paying clients (many are not) because he is an eminent constitutional scholar and a highly creative and successful advocate. Billing \$275 per hour, he argues, is consistent with top wages in Boston law firms, is much less than

in the priciest New York or Washington firms, and is much less than he himself has charged some affluent clients. Prof. Tribe also argues that the 50 percent "tip" he applied to the itemized bill is both legal and perfectly reasonable given the complexity of the constitutional theories involved, the risk of losing and the time he's waited to receive any compensation at all.

That's beside the point. High-priced lawyers are just charging much too much—to the point of caricature—and the folks expected to pay their fees should put an end to the practice. Just because well-heeled private clients dole out huge sums doesn't mean that the public should be equally generous. The "prevailing wage" approach that government uses when it is buying services—which is the essence of Prof. Tribe's claim—has a superficial appeal. But on closer inspection it reveals elements of a gigantic rip-off.

Public works cost too much in part because the Davis-Bacon Act effectively requires union-scale wages. Medical costs soar in part because doctors have dominated service and price decisions. There's news every week of some windfall for a government consultant or defense contractor. For all these groups, government should refuse to bolster inflated wages and profits. Sorry, Prof. Tribe. Lawyers—even civil rights lawyers—need at least as much wage restraint as others when it comes to billing the government.

THE WHITE HOUSE

WASHINGTON

December 16, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Justice Draft Bill, "The Legal Fees
Reform Act"

OMB is seeking to clear the above-referenced proposed bill, which would set a ceiling on attorneys fees awarded under fee-shifting statutes to parties prevailing against the United States or state and local governments, and raise the level of compensation available to attorneys defending criminal defendants under the Criminal Justice Act. This office has reviewed the proposed bill, and we have no purely legal objections to it. I continue to be of the view, however, first expressed in my September 21, 1983 memorandum for you on this subject, that this may well not be the appropriate time to go forward with this sort of legislation.

There is no doubt that the problems the bill seeks to address are very real. The circumstances in which attorneys fees are awarded to parties prevailing against the government, however, typically involve civil rights litigation, welfare entitlement suits, environmental litigation, and the like. Since the "fee cap bill" would have its greatest impact in these areas, I remain deeply concerned that it will be viewed and portrayed as yet another Administration effort to limit the delivery of legal services to minorities, the poor, and the aged. For this reason I am doubtful that the bill will get a fair airing. In short, I am not convinced that this is the time to open another front in the ongoing battle over our record in these areas.

cc: James C. Murr
Office of Management and Budget

FFF:JGR:aea 12/16/83

bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 16, 1983

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FROM: FRED F. FIELDING
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SUBJECT: Justice Draft Bill, "The Legal Fees
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cc: James C. Murr
Office of Management and Budget

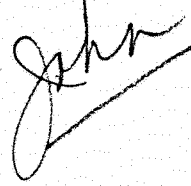
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THE WHITE HOUSE

WASHINGTON

December 13, 1983



MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

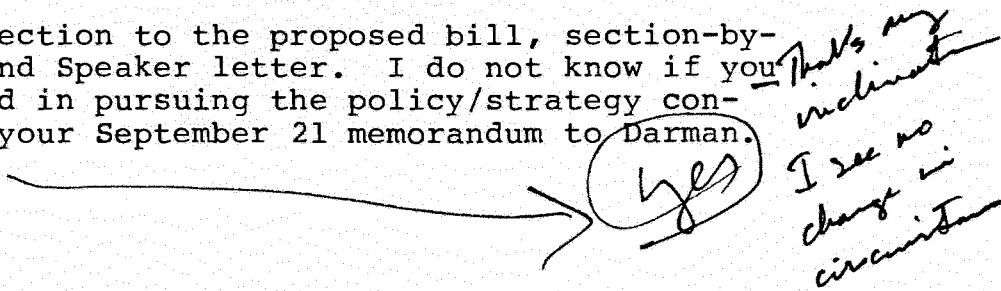
SUBJECT: Justice Draft Bill, "The Legal Fees Reform Act"

OMB has asked for comments by close of business December 14 on the above-referenced proposed bill. This bill would set a \$75/hour ceiling on attorneys fees awarded under fee-shifting statutes to parties prevailing against the United States or state and local governments, and double the rates paid to criminal defense attorneys under the Criminal Justice Act. The bill was first circulated by OMB for comments on September 16. By memorandum dated September 19 we advised OMB that we had no legal objection. By memorandum dated September 21 you recommended to Darman that the Administration "focus very sharply on the issue of whether we should go forward with this at this time." You were concerned that the bill would be portrayed as a means of inhibiting the delivery of legal services to the poor, minorities, etc., and accordingly would not get a fair hearing.

On November 15 Robert McConnell provided us with a copy of the proposed bill as submitted to OMB for clearance. I reviewed the provisions of the bill in a memorandum to you dated November 17. The version of the bill which OMB has now circulated and proposes to clear by the end of the week is essentially identical to the version sent to you by McConnell. There have been no substantive changes.

I have no legal objection to the proposed bill, section-by-section analysis, and Speaker letter. I do not know if you are still interested in pursuing the policy/strategy concerns expressed in your September 21 memorandum to Darman. We should discuss.

Attachment

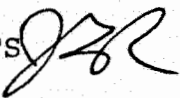


THE WHITE HOUSE

WASHINGTON

September 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Testimony on S. 2802,
The Legal Fees Equity Act

OMB has provided us with a copy of testimony the Deputy Attorney General proposes to deliver tomorrow before the Senate Judiciary Committee Subcommittee on the Constitution. The testimony, only sent to OMB by Justice this afternoon, concerns S. 2802, the Administration's proposed "Legal Fees Equity Act." You will recall that this bill would cap fees awarded against the government in civil cases at \$75 per hour while doubling the rates awarded to attorneys representing criminal defendants under the Criminal Justice Act. The bill would also define more precisely when an award should be made: the lawyer must prevail on the merits, can seek compensation only for time spent on issues on which he prevailed, and cannot be compensated for work done after rejection of a settlement offer that exceeds the eventual relief granted the client. The bill would also clarify the award of fees in cases that become moot, and provide for the deduction of up to 25 percent of any monetary award to cover attorneys fees.

In her proposed testimony Dinkins outlines the seriousness of the problems that have arisen in this area, notes the burden imposed on state and local governments (liable for fees in a wide range of cases under 42 U.S.C. § 1988), and reviews the provisions of S. 2802.

I am troubled by the paragraph beginning on page 7 of the testimony. In that paragraph Dinkins discusses Professor Lawrence Tribe's highly publicized request for a \$332,441 fee for taking the Grendel's Den case to the Supreme Court, and winning. Tribe eventually recovered much but not all of the amount he requested. Although Tribe's request (and, in my view, the eventual award) were outlandish, I am not certain it is appropriate to single out and criticize a practicing attorney by name in testimony of this sort. At the very least the testimony should not quote The Washington Post's disingenuous description of Grendel's Den as "a liquor license case." That is like saying Marbury v. Madison was a case about commissions.

I do not know if there is time to change the testimony -- Justice probably sent it to the Hill at the same time they sent it to OMB -- but the attached memorandum recommends deletion of the offending paragraph.

Attachment

THE WHITE HOUSE

WASHINGTON

September 10, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Testimony on S. 2802,
The Legal Fees Equity Act

Counsel's Office has reviewed the above-referenced testimony. We recommend that the paragraph beginning on page 7 be deleted. Although we agree that the fee request and even the eventual award were outlandish, it strikes us as inappropriate to single out and criticize a practicing attorney by name in testimony of this sort. Doing so invites rejoinders and distraction from the underlying issues. At the very least the testimony should not subscribe to the Post's disingenuous view that Larkin v. Grendel's Den was "a liquor license case." Whatever one may think of Professor Tribe's fee request, Grendel's Den was a significant First Amendment case, and it serves no purpose to belittle it.

FFF:JGR:aea 9/10/84

cc: FFFielding/JGRoberts/Subj/chron

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Subject: Testimony on S. 2802, the Legal Fees Equity Act

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SPECIAL

U.S. Department of Justice
Office of Legislative and
Intergovernmental Affairs

Office of the
Assistant Attorney General

Washington, D.C. 20530

September 10, 1984

TO: Branden Blum
OMB

FR: Yolanda Branche (633-5310)
OLIGA

RE: Testimony on S. 2802, The Legal Fees
Equity Act

Attached for your review and clearance
is the Department's testimony on the above
for September 11, 1984 before the Senate
Subcommittee on Constitution.

SPECIAL

cc: ✓ Fred F. Fielding

DRAFT

STATEMENT OF

CAROL E. DINKINS
DEPUTY ATTORNEY GENERAL

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

S. 2802
THE LEGAL FEES EQUITY ACT

SEPTEMBER 11, 1984

Mr. Chairman and members of the Subcommittee:

I am pleased to appear today in support of S. 2802, a bill "to provide comprehensive reforms in compensation of attorneys pursuant to federal statute in civil, criminal, and administrative proceedings in which the United States is a party, and in civil proceedings against state and local governments." The Department of Justice has proposed this bill to bring some much needed rationality to the system for awarding attorneys' fees -- paid for by the taxpayer -- under the numerous attorneys' fee statutes enacted by Congress.

According to recent estimates, Congress has enacted some 129 statutes providing for the award of attorneys' fees to parties in litigation before the courts or before administrative agencies. A significant percentage of these statutes allow private parties to recover attorneys' fees from the federal government or from the states.

In all such enactments, Congress has altered the traditional American Rule that each party to litigation bears its own legal expenses, greatly expanding the circumstances in which the federal government and the states and local governments are held liable for the legal expenses of the opposing private parties in litigation. Indeed, the recent Equal Access to Justice Act, codified at 28 U.S.C. §§ 504 and 2412(d), provides for the award of attorneys' fees to any prevailing party who meets certain eligibility requirements unless the federal government can show that its position in the litigation was substantially justified.

These so-called fee-shifting statutes were each enacted in response to important concerns. They reflect the judgment of Congress that a departure from the American Rule is appropriate to enable indigent parties, small businesses, victims of discrimination, and others to attract competent counsel to vindicate meritorious claims. With the notable exception of the Equal Access to Justice Act, these fee-shifting statutes provide courts only rudimentary standards and principles for the award of attorneys' fees. As a result, as I describe below, the cases awarding attorneys' fees are frequently marked by a confusion of the proper bases for fee awards and a waste of judicial resources in determining the proper award.

In addition to the civil fee-shifting statutes, the Criminal Justice Act, 18 U.S.C. § 3006A, provides for the appointment of private counsel to represent indigent defendants in federal criminal prosecutions.

The Department of Justice naturally has a considerable interest in the award of statutory attorneys' fees. This Department represents the agencies of the federal government in most of the enforcement suits brought by the government, and defends the great majority of suits brought against the government by private plaintiffs. In addition, the Department prosecutes actions under the federal criminal laws against defendants, many of whom are represented by counsel appointed under the Criminal Justice Act.

For too long, issues relating to government compensation of private attorneys have not been addressed on a comprehensive and coordinated basis. At least part of the confusion manifest in the attorney's fee area is due to the almost total lack of

coordinated consideration of the various civil fee-shifting statutes -- in relation to each other and to the Criminal Justice Act attorneys' fee provisions.

I. Problems with Civil Fee-Shifting Statutes

Three different types of difficulties occur in the administration of the various federal fee-shifting statutes. First, and perhaps most obvious, is the increasing incidence of inordinately high attorneys' fees award, through the use of high hourly rates, multipliers, and other means. Second, and somewhat related to the first, is the great disparity in awards that seems at times to border on the irrational. Third, and increasingly noticed by judges and commentators, is the growing burden on the courts and the litigants imposed by a system in which the rules are unclear and parties are encouraged to engage in expensive litigation of attorneys' fees issues rather than enter into prompt and inexpensive settlement agreements. Finally, though much of the Department's immediate attention focuses on the effect of federal fee-shifting statutes, the states and local governments are experiencing these problems on even a larger scale -- because their scope of potential liability is greater and because attorneys' fee awards can pose a much greater burden on the public treasury.

A. In General

In our experience courts frequently have either interpreted these fee-shifting statutes inconsistently or reached inappropriate results. For example, courts have awarded fees to parties who lost a case on the merits or obtained only minimal

relief. 1/ In addition, attorneys' fees are generally based on the "prevailing market rate" for legal services in the community. See Blum v. Stenson, 104 S. Ct. 1541, 1545-47 (1984) (nonprofit legal services attorneys awarded fees based on prevailing market rates). In practice, this often means that the hourly rates awarded are as high as those charged by corporate law firms, rather than on a fee that is sufficient to attract competent counsel. These "prevailing market" rates may even exceed the hourly rates that the attorneys seeking fees normally would charge their private clients. 2/

Some courts have used bonuses and multipliers to increase the base fee award -- sometimes doubling 3/ or even tripling 4/

1/ See, e.g., Onisker, Logan & Dock v. Milliken, No. C-79-0142 (D. Utah July 18, 1980) (fee award of \$22,000 where each of three inmates obtained judgments of \$500).

2/ See Jordan v. Department of Justice, 691 F.2d 514, 523-24 (D.C. Cir. 1982) (fee allowances are basically to be measured by the market value of the services rendered, not the amount actually received by the attorney nor the amount that would have been received absent an award of fees); Copeland v. Marshall, 641 F.2d 880, 899 (D.C. Cir. 1980) (en banc) (attorneys are entitled to prevailing market rate even if it will yield a larger fee than that to which they are accustomed); Laffey v. Northwest Airlines, Inc., 572 F. Supp. 354, 373 (D.D.C. 1983) (lawyers may receive court-awarded fees based upon rates that differ from those they normally command and that are even far in excess of their salary or hourly rates).

3/ E.g., Graves v. Barnes, 700 F.2d 220, 224 (5th Cir. 1983); Laffey v. Northwest Airlines, Inc., 572 F. Supp. 354 (D.D.C. 1983); Wells v. Hutchinson, 499 F. Supp 174, 211 (E.D. Tex. 1980).

4/ E.g., Rajender v. University of Minnesota, 546 F. Supp. 158 (D. Minn. 1982) (attorney's normal billing rates were tripled, resulting in total fee award of over \$2 million); Keith v. Volpe, 501 F. Supp. 403, 414 (C.D. Cal. 1980) (multiplier of 3.5; total fee award of \$2.2 million).

the hourly rates. Indeed, based upon cases reported in the past several years for which we have been able to gather information, we estimate that the use of upward adjustments or multiplication factors to increase the reasonable hourly rate has increased the amount that government was required to pay in attorneys' fees by an average of forty-three percent at the federal level, and by forty-one percent at the state and local level. 5/

We do not believe that bonuses and multipliers should be used to increase the hourly rate that the court has already determined to be reasonable. Several different rationales have been offered for the use of bonuses and multipliers -- including the novelty and complexity of the issues, the high quality of representation, and delays in payment. The Supreme Court's recent decision in Blum v. Stenson, 104 S. Ct. at 1548-49, however, has generally ruled out such factors as the quality of representation, the results obtained, and the novelty and complexity of issues because all these considerations are normally reflected in the calculation of the hourly rate. Another factor often mentioned as a basis for awarding a bonus is to cover the risk of not prevailing in a case. Although the Supreme Court has not yet had the opportunity to address this issue (see Blum v. Stenson, 104 S. Ct. at 1550 n.17), we believe that the use of such a contingency factor clearly would be inconsistent with the spirit and intent of the various federal

5/ This information is presented in Table A of the materials that the Department is providing for the record.

fee-shifting statutes, each of which provides for the award of fees only to a the party who achieves some specific degree of success on the merits. As the federal court of appeals here in Washington recently observed:

"Awarding an upward adjustment to the lodestar for the risk of losing and the concomitant risk of not obtaining an award of attorneys' fees is not unlike compensating an attorney for unsuccessful claims; it hedges the statute's requirement that only prevailing parties may recover attorneys' fees." 6/

We oppose any such evasion of the statutory standards of eligibility for attorneys' fees.

In practice, high hourly rates combined with bonuses and multipliers not only encourage unmeritorious litigation, but also overcompensate lawyers at the expense of the taxpayers. The fee-shifting statutes are an attempt to increase access to counsel, not to "create a . . . fee bank to be liberally drawn upon by lawyers for their own welfare." 7/ Cases awarding overly generous compensation to private attorneys contrast sharply with the strictly limited salaries paid to attorneys who represent the government. As one court observed in a leading case, fee-shifting statutes are not intended "to make the private

6/ Murray v. Weinberger, No. 83-1680 (D.C. Cir. Aug. 24, 1984) (slip op. at 14).

7/ Coop v. City of South Bend, 635 F.2d 652, 655 (7th Cir. 1980). The legislative history of 42 U.S.C. § 1988 explains that "a reasonable attorney's fee" is one that is "adequate to attract competent counsel, but . . . [does] not produce windfalls to attorneys." S. Rep. No. 94-1011, 94th Cong., 2d Sess. 6 (1976).

attorney general's position so lucrative as to ridicule the public attorney general." 8/

In one recent case that attracted considerable publicity (see New York Times, Dec. 14, 1983, at A22, col. 1), Harvard law professor Lawrence Tribe petitioned for an award of \$332,441 -- at a billing rate of \$275 per hour plus a multiplier of fifty percent, for an effective rate of \$412.50 -- after he had successfully urged the Supreme Court to strike down a Massachusetts law that allowed churches and schools to veto liquor licenses for neighboring businesses. 9/ Though incurring little of the overhead expenses of attorneys in private practice, he argued that this rate was reasonable because comparable practitioners in the community charged similar rates and he had charged even higher rates to his private clients. Ultimately, the district court awarded the full hourly rate of \$275, but denied the requested 50% multiplier because Tribe had provided only sketchy documentation of the number of hours he actually spent on the case. 10/ As a Washington Post editorial noted (Dec. 16, 1983, at A22, col. 1), the state had been asked to pay

8/ Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 719 (5th Cir. 1974), cited favorably in the legislative history of § 1988. See S. Rep. No. 1011, 94th Cong., 2d Sess. 6 (1976).

9/ Larkin v. Grendel's Den, Inc., 103 S. Ct. 505 (1982).

10/ Grendel's Den, Inc. v. Larkin, 582 F. Supp. 1220, 1228-29 (D. Mass. 1984). Tribe himself had characterized the keeping of detailed time records as "a stupid waste of time." New York Times, Dec. 14, 1983, at A22, col. 1.

"a pretty hefty fee for a moonlighting academic who wins a liquor license case."

The issue of attorneys' fees has become such a big ticket item in many cases that lawyers now retain their own counsel to handle such issues. Indeed, some law firms have long advertised their specialization in the recovery of attorneys' fees under federal statutes. See, e.g., Legal Times, August 1982, at 14.

These problems are simply symptoms of a greater problem in the award of attorneys' fees: the use of a "prevailing rate" system to calculate fee awards. This system produces awards that increasingly bear little relationship to the actual cost of making legal representation available to parties in litigation. The Washington Post editorial mentioned above explained succinctly why it is inappropriate to require the government to bear the same high hourly rates that corporate law firms may demand from their clients:

"Just because well-heeled private clients dole out huge sums doesn't mean that the public should be equally generous. The 'prevailing wage' approach that government uses when it is buying services -- which is the essence of Prof. Tribe's claim -- has a superficial appeal. But on closer inspection it reveals elements of a gigantic rip-off."

In practice, as that editorial suggests, the trend in attorneys' fee awards may be to make publicly financed fee awards even more generous than fees charged in private practice. Because the constraints that normally apply in private practice -- discussion and negotiation of the fees with the client -- are absent in the fee-shifting context (see Blum v. Stenson, 104 S. Ct. at 1547 n.11), attorneys are given the incentive to ask for ever-increasing hourly rates. As noted above (see footnote 2), it is

now not uncommon for attorneys to be awarded fees at an hourly rate exceeding the rates which they charge their own private clients.

In addition, fee issues increasingly overshadow the case on the merits and deplete valuable judicial resources. Detailed factual showings may be necessary to justify hourly rates, for example, requiring discovery and evidentiary proceedings in some cases. The district court in Laffey v. Northwest Airlines, Inc., 572 F. Supp. 354, 389 (D.D.C. 1983), complained of "attorneys who, in their fervor to produce a thorough fee application have buried this Court with an avalanche of documentation." As Justice Brennan has observed,

"appeals from awards of attorneys' fees . . . must be one of the least socially productive types of litigation imaginable. . . . [I]n systemic terms, attorney's fee appeals take up lawyers' and judges' time that could more profitably be devoted to other cases." 11/

This is an undesirable, but inevitable, result of the misapplication of fee-shifting statutes designed only to make competent counsel available to those who otherwise could not afford it.

The federal courts, and particularly the Supreme Court, have begun to react to these problems by fashioning judge-made rules for the award of attorneys' fees under federal fee-shifting statutes. For example, the Supreme Court recently decided four cases limiting the circumstance in which attorneys' fees may be awarded. In Ruckelshaus v. Sierra Club, 103 S. Ct. 3274 (1983),

11/ Hensley v. Eckerhart, 103 S. Ct. 1933, 1944, 1951 (1983) (Brennan, J., concurring in part and dissenting in part).

the Court held that attorneys' fees may not be awarded under statutes that provide for such awards "where appropriate" unless the party has achieved some degree of success on the merits. In Hensley v. Eckerhart, 103 S. Ct. 1933 (1983), the Court held that parties are not to be awarded fees for work on issues on which they did not prevail even if they prevailed on other issues. In Blum v. Stenson, 104 S. Ct. at 1549, the Court held that "[n]either complexity nor novelty of the issues . . . is an appropriate factor in determining whether to increase the fee award." Finally, in Smith v. Robinson, 104 S. Ct. 3457 (1984), the Court affirmed the denial of attorneys' fees under the Education of the Handicapped Act (20 U.S.C. § 1415), which does not provide for the award of attorneys' fees, where the court did not need to address claims under 42 U.S.C. § 1983 and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Despite these admirable efforts to bring some order and consistency to the application of federal fee-shifting statutes, the entire burden of defining the appropriate standards for the award of attorneys' fees should not depend upon the courts and a case-by-case approach. The federal courts -- and the Supreme Court in particular -- already have too pressing a docket of cases before them to allow such an approach. Even apart from the direct burden on the judicial system, the result of creative judicial attempts to set standards where Congress has provided none may well be, in Justice Brennan's words,

"a vast body of artificial, judge-made doctrine, with its own arcane procedures, which like a Frankenstein's monster meanders its well-intentioned way through the

legal landscape leaving waste and confusion (not to mention circuit-splits) in its wake." 12/

In our view, it is time for the Congress itself should finish the job it began but largely failed to complete in passing these fee-shifting statutes initially. Congress itself should define the circumstances and procedures for the award of attorneys' fees under the various statutes it has enacted. ✓

In a case barely seven months ago, marked by many of the problems I have been describing, Judge Gerhard Gesell of the District Court here in Washington very succinctly expressed his growing frustration with the law governing attorney's fee awards. In his opinion in that case, Judge Gesell admonished the plaintiff's counsel in the following words:

"The United States District Court for the District of Columbia processes a large number of . . . cases where fees may be awarded under statutes, including cases to which the Equal Access to Justice Act applies. As a result its workload has been significantly increased in recent years by contested applications for attorneys' fees. Often these fee requests consume more court time and involve more paper work than the underlying case. Unable to settle the question of fees outside the court, lawyers make excessive claims and then must defend their work against charges of waste, overstaffing, ineffectiveness, and lack of competence.

. . . It is now accepted that lawyers who prevail in these cases may be entitled to be paid a reasonable fee for services which are still somewhat euphemistically referred to as 'pro bono.' Attorneys hope to receive and usually request massive fees which cover their time, overhead, out-of-pocket expenses and a handsome profit. Often the government is asked to pay for the 'learning experiences' of coveys of junior associates and other assistants assigned to a case to break the tedium of everyday practice. The concept of merely making lawyers whole has long since gone out the window. As yet,

12/ Hensley v. Eckerhart, 103 S. Ct. at 1951 (Brennan, J., dissenting).

courts have had little success in fashioning tools for dealing with this burgeoning phenomenon.

". . . Lawyers who treat the EAJA as designed to compensate counsel in the same generous manner as some lawyers are compensated in private practice should take heed of the consequences. In passing this statute Congress clearly indicated that it did not intend to place such a heavy burden on the public purse. Failure to reach prompt and reasonable fee dispositions by settlement or efficient use of court proceedings may eventually jeopardize the golden goose. Congress, for its part, would do well to consider how the fee-setting process may be streamlined, perhaps through use of arbitration or promulgation of more definitive and simplified standards for passing on such fee requests." 13/

In keeping with Judge Gesell's counsel, the Department's proposed legislation is intended specifically to provide better legislative standards for attorneys' fee awards, to reduce the incidence of excessive claims, to alleviate the burden on the courts and the parties, and to prevent inappropriate burdens on the public purse. In our view, the problems that Judge Gesell so eloquently identifies require Congressional action.

B. Liability of State and Local Governments

Although my testimony has so far focused primarily on the award of attorneys' fees against the federal government, the same problems are in some respects even more serious for state and local governments. Under the Constitution, the states themselves are generally protected by the Eleventh Amendment against monetary liability to their citizens in suits in the federal courts. However, under recent Supreme Court decisions, federal actions can be brought against state officials and municipalities

13/ Ashton v. Pierce, Civil Action No. 81-719 (D.D.C. Feb. 3, 1984) (slip op. at 8-10).

under 42 U.S.C. § 1983 for violations of almost any federal statutory right -- even those having nothing to do with the traditional concept of civil rights 14/ -- with a corresponding right to attorneys' fees under § 1988. Growing concern has also arisen over Supreme Court decisions making local governments liable to suits under the federal antitrust laws, with a corresponding liability for attorneys' fees. 15/

Attorney's fee awards against the states and local governments have greatly expanded in recent years, far exceeding the liability of the federal government. The states and local governments, however, have much more limited resources with which to pay attorneys' fee awards -- particularly the smaller municipalities. The imposition of attorneys' fee liability on states and localities imposes upon Congress an even greater obligation to define more clearly the federal fee-shifting statutes. Both the principle of federalism and common sense require that effort by the Congress.

In this respect, I am happy to see the panel of state attorneys general who are here to testify today on this legislation. Earlier this year the National Association of Attorneys General issued an excellent report on attorneys' fee

14/ See, e.g., Maine v. Thiboutot, 448 U.S. 1 (1980) (state violation of federal statutory procedures for welfare payments); Maher v. Gagne, 448 U.S. 122 (1980) (state regulations in conflict with Social Security Act); Roth v. Board of Regents, 408 U.S. 564 (1971) (failure to renew contract for nontenured college instructor).

15/ See City of Boulder v. Capital City Communications, Inc., 455 U.S. 40 (1981).

awards against state and local governments under 42 U.S.C. § 1988, the principal federal fee-shifting statute applicable to them. That report sets forth an exhaustive analysis of the problems in this area and it deserves the careful consideration of Congress in weighing improvements to fee-shifting statutes.

II. Problems with the Criminal Justice Act Provisions

Against a backdrop of rapidly escalating and inconsistent attorneys' fee awards in the civil context, one group of private attorneys have, however, been compensated much less well in litigation with the government. Attorneys for indigent parties under the Criminal Justice Act have been limited to no more than thirty dollars per hour for time in court and twenty dollars per hour for time out of court. In addition, overall ceilings of \$1,000 for felony cases and \$400 for misdemeanor cases have also been imposed by provisions of the Criminal Justice Act that have not been changed since 1970. 16/

We believe that even as civil fee awards must be limited, maximum fees must be increased under the Criminal Justice Act. Our bill, S. 2802 would therefore double the current rates for all cases under the Criminal Justice Act. By doubling both the maximum hourly rates and per-case limits, the Department's bill

16/ Indeed, the rates of compensation for attorneys representing indigent defendants at the state level in some instances are even lower than the rates provided in the Federal Criminal Justice Act. See, e.g., "Lawyers Elsewhere See D.C. Strike as Precedent," Wash. Times, Oct. 11, 1983, at 9A (Virginia court-appointed attorneys receive \$72 for misdemeanor cases, and \$191 for felonies punishable by less than 20 years).

would make the federal Criminal Justice Act rates higher than the levels in virtually any state program for court-appointed counsel, which were listed in a survey in the National Law Journal, Sept. 26, 1983.

Although the House has passed a separate bill, H.R. 4307, that would amend only the Criminal Justice Act -- and a similar bill, S. 2420, is pending in the Senate -- legislative action on attorneys' fees should address fee awards in both the civil and criminal contexts. Indeed, both areas are interrelated. Many attorneys practice under both the Criminal Justice Act and civil fee-shifting statutes. Nevertheless, drastically different incentives are provided for each by federal law: strictly limited fees under the Criminal Justice Act, but highly profitable fees in civil cases. This drastic difference in incentives, though surely not intended by Congress, must be dealt with in a coordinated and rational manner to achieve a better balance. H.R. 4307 would completely fail to do that.

This Administration must insist that -- for the sake of fairness -- any legislation in this area should meet the problems of both civil and criminal attorneys' fee statutes.

III. Description of the Provisions of S. 2802.

The purpose of the bill we support today is to make court awards of attorneys' fees in suits against the government fairer and more predictable. The bill would preserve the availability of counsel by maintaining an adequate level of compensation for attorneys who prevail, but at the same time it would rein in the excessive awards to attorneys at the taxpayers' expense. This

legislation would bring greater balance to the award of attorneys' fees against the government.

Let me briefly summarize the provisions of the bill.

First, the bill would amend the Criminal Justice Act, 18 U.S.C. § 3006(A)(d)(1) and (2), to double the compensation rates and total compensation levels for private attorneys in criminal cases and habeas corpus proceedings under that Act.

The remaining provisions of the bill would modify all federal statutes that authorize awards of attorneys' fees against federal, state, or local governments, as described below:

1. It would establish four prerequisites to an award of attorneys' fees against a government entity under all federal fee-shifting statutes:

-- First, a party must prevail on the merits of its complaint in order to recover fees. This would apply to all federal fee-shifting statutes, in keeping with the Supreme Court's holding in Ruckelshaus v. Sierra Club that attorneys' fees are recoverable only by parties who prevail in a case. However, the bill would not modify existing law providing that attorneys' fees may be awarded when a party achieves a favorable settlement before trial.

-- Second, consistent with Hensley v. Eckerhart, the work for which the fee award is sought must be necessary to resolve the controversy. The bill would not preclude attorneys' fees for work expended on alternative pleadings, so long as the alternative pleadings are reasonably directed to resolution of the merits of the controversy and the relief sought by the pleadings was not implicitly or expressly rejected by the court.

Consistent with Smith v. Robinson, however, attorneys' fees would not be allowed when the narrow statutory scheme specifically at issue does not provide for the award of attorneys' fees.

-- Third, the application for attorneys' fees must comply with the procedural requirements of the Act and not exceed amounts authorized under the Act. ✓

-- And finally, the services for which attorneys' fees are sought must not be excessive, redundant, or otherwise unnecessary.

2. The bill would provide for a maximum rate of seventy five dollars per hour for attorneys' fee awards. That is the same amount recently determined by Congress to be appropriate for fee awards under the Equal Access to Justice Act, 28 U.S.C. §§ 504 and 2412(d). This limitation is necessary and appropriate to forestall skyrocketing legal fee awards, but should be adequate to ensure quality representation. Indeed, at that rate, attorneys who bill 1,500 hours a year would earn \$112,500 annually. Attorneys who represent the federal government in litigation presently earn a fraction of this, even with overhead and fringe benefits taken into account. Moreover, the Department of Justice has issued an administrative directive limiting the compensation of private counsel retained by the Department -- for example, to represent employees in cases of conflict of interest -- to not more than \$75 per hour. A reasonable limitation on attorney's fee awards would greatly reduce the anomaly that currently exists: taxpayers presently compensate attorneys who sue the government at vastly higher rates than they pay attorneys who represent the government. ✓

I am providing for the record, in addition to the table mentioned earlier in my testimony, three sets of tables of cases for which we have been able to gather information. One, Table B, is drawn from awards paid from the judgment fund by the General Accounting Office. The second table, Table C, sets forth awards paid in cases filed in the district court for the District of Columbia. The third, Table D, shows awards against state and local governments in reported cases. ^{17/} These tables reflect the great disparity in hourly rates in the cases, but indicate that a limitation of \$75 per hour is a reasonable and defensible amount. Even in the District of Columbia, where legal fees would be expected to be among the highest in the country (and where a large percentage of all civil fee-shifting cases are brought), a substantial number of awards have been for no more than \$75 per hour. Of course, courts and agencies would still be free to award attorneys' fees at an hourly rate lower than the \$75 maximum rate.

3. The bill specifically would preclude the use of multipliers or bonuses to augment any award of attorneys' fees under any federal fee-shifting statute. As the Supreme Court noted in Blum v. Stenson, 104 S. Ct. at 1548, the "product of reasonable

^{17/} We recognize, of course, that the tables of cases presented for the record are by no means complete and do not provide in each case the most useful kinds of information, but they are as complete as our research efforts could achieve. Unfortunately, many of the cases simply do not provide specific information on such matters as the hourly rate. The General Accounting Office information is current through 1983; we were unable to gather information from the most recent active GAO files.

hours times a reasonable rate" normally provides a "reasonable" attorneys' fee within the meaning of federal fee-shifting statutes. By paying multipliers to counsel in cases they win, the courts would effectively underwrite the cases the same attorneys lose. As the Supreme Court made clear in Hensley v. Eckerhart and Ruckelshaus v. Sierra Club, attorneys' fee awards are not appropriate to compensate parties for their litigation expenses on issues they lost in litigation. Moreover, to augment the fee award when the chances of recovery are least could have the perverse effect of penalizing most those parties whose conduct is least blameworthy.

4. The bill would permit a court or agency to reduce or deny awards of attorneys' fees when the prevailing party unreasonably protracted the final resolution of the controversy, or when other specific factors make a denial or reduction of the fee award appropriate. The factors specified by the bill would not be exclusive, and courts and administrative officers should continue to consider other factors for adjusting awards in accordance with existing law. The bill would not overturn existing law that requires plaintiffs to pay defendants' attorneys' fees in certain cases.

5. The bill would establish a jurisdictional requirement that a party seeking an award of attorneys' fees submit an application for the award within 30 days of a final decision on the merits by the court or the entry of a final disposition by an administrative officer. This requirement is consistent with the jurisdictional time for filing fee applications under the Equal

Access to Justice Act. 18/ The bill would also instruct the courts and agencies to provide guidance about the information to be submitted with a fee application.

6. When a money judgment is awarded against the United States, or against a state or local government, the amount of the judgment would be reduced by the amount of attorneys' fees awarded but not by more than twenty-five percent. Because the purpose of fee-shifting statutes is to allow parties to secure reasonable representation when they otherwise could not afford it, this offset would recognize that a party may become able to pay part or all of its legal expenses from the judgment awarded in the case. We do not see why the public should subsidize parties who can bear their own legal costs.

This twenty-five percent reduction of the judgment would not apply to judgments in Equal Access to Justice Act cases under 5 U.S.C. § 504 and 28 U.S.C. §§ 2412(d), inasmuch as prevailing parties in those cases could receive attorneys' fees only if the government failed to prove that its actions were substantially justified. The reduction also would not apply in suits for recovery of disputed tax payments under 26 U.S.C. § 7430, in order to avoid inconsistent adjudications, or whenever the party could demonstrate that this rule would work injustice.

18/ The Supreme Court has recently recognized that courts can adopt procedural rules to define reasonable time limits for attorney's fee requests. White v. New Hampshire Department of Employment Security, 455 U.S. 445 (1982).

7. The bill would, in accordance with case law, allow recovery of attorneys' fees when a case is mooted by a change in government policy, if the party obtains substantially the relief sought and the government is unable to prove that the lawsuit was not a "material factor" in the change of policy. This provision would encourage courts not to place an undue emphasis on chronology, while preserving the right to attorneys' fees when a plaintiff's suit actually did force a favorable change in government policy.

8. The bill would deny awards of attorneys' fees and related expenses or costs for services performed by an attorney following a written offer of settlement by the United States, or by a state or local government, if the party's failure to accept the settlement was unreasonable and the party does no better in litigation after having rejected the settlement offer. This section, modeled after the provisions of Rule 68 of the Federal Rules of Civil Procedure, would benefit government and private parties in judicial and administrative proceedings by encouraging reasonable behavior by both sides in settlement negotiations.

9. The bill would apply to any award of attorneys' fees and related expenses or costs in any case or proceeding initiated subsequent to an enactment of the bill. In addition, the bill would apply to the award of attorneys' fees and related expenses or costs incurred after the enactment of the bill in actions pending at the time of enactment.

10. The bill would not create an independent right to attorneys' fees; the right to an award of attorneys' fees could be derived only from other specific federal laws. The bill also

would not supersede other requirements established by law. For example, the provisions of the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1), that deny attorneys' fees to an otherwise eligible party when "the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust" would continue to apply.

11. The provisions of the bill would apply to attorneys' fee awards under the Equal Access to Justice Act, 5 U.S.C. § 504(a) and 28 U.S.C. § 2412(d). Although the provisions of the EAJA reflect several standards lacking in the other federal fee-shifting statutes, we perceive the need for substantial uniformity for all fee-shifting statutes. Certain exceptions from the terms of the bill would, however, be made in the case of awards under the EAJA in order to preserve the Congressional purpose to allow persons to challenge unreasonable government actions. These exceptions are justified by the different structure of the EAJA, in which attorneys' fees are recoverable in EAJA cases only when the government cannot prove that its actions were not "substantially justified." These exceptions are spelled out in section 4(e) of the bill.

* * *

In summary, the bill would prevent the increasing number of serious abuses of federal fee-shifting statutes that have occurred in recent years. It would, however, preserve the intent of Congress to extend reasonable legal assistance to groups and individuals who need it. The bill would inject much-needed clarity into the current law of attorneys' fees. It would set an overall fee limitation that is reasonable. And it would provide

long-overdue increases in Criminal Justice Act compensation levels. We feel all of these provisions -- taken as a whole -- warrant broad and bipartisan support in the Congress.

Table A

Use of Multipliers or Bonuses in Award Against Federal
and States Defendants

Case	Total Award	Base Award	Amount of Multiplier or Bonus	Multiplier as a Percentage of Base Award
A. Federal Defendants				
1. <u>North Slope Borough v. Andrus</u> , 515 F. Supp. 961 (D.D.C. 1981), <u>rev'd</u> , 689 F.2d 222 (1982)	\$215,876.92	\$129,526.15	\$86,350.77	66%
2. <u>Environmental Defense Fund v. Environmental Protection Agency</u> , 672 F.2d 42 (D.D.Cir. 1982)	\$99,534.50	\$85,884.50	\$13,650.00	16%
3. <u>Decker v. Dept. of Labor</u> , 564 F. Supp. 1273 (E.D. Wisc. 1983)	\$66,663.19	\$29,628.19	\$37,035.00	125%
4. <u>Richardson v. Jones</u> , 506 F.Supp. 1259 (E.D.Pa. 1981)	\$12,236.84	\$11,567.18	\$669.66	6%
5. <u>Robinson v. Klassen</u> , 553 F. Supp. 76 (E.D. Ark. 1982)	\$183,788.87	\$168,473.12	\$15,315.75	9%
6. <u>Donnell v. U.S.</u> , 682 F.2d 240 (D.C.Cir. 1982), <u>cert. denied</u> , 103 S. Ct. 1190 (1983)	\$73,669.88	\$49,113.88	\$24,556.00	50%
7. <u>Will v. U.S.</u> , 90 F.R.D. 336 (N.D.Ill. 1981)	\$850,000.00	\$425,000.00	\$425,000.00	100%

Case	Total Award	Base Award	Amount of Multiplier or Bonus	Multiplier as a Percentage of Base Award
8. <u>Powell v. Marsh</u> , 80-2779 (E.D.Pa. 1983)	\$13,750.00	\$12,375.00	\$1,375.00	11%
9. <u>Minority Employees at NASA v. Frosch</u> , C.A. No. 74-1832 (D.D.C. 1981)	\$20,240.00	\$18,400.00	\$1,840.00	10%
B. <u>State Defendants</u>				
1. <u>Greater Los Angeles Council on Deafness v. KCET</u> , No. 78-4715R (C.D. Cal. Feb. 11, 1982)	\$432,285.00	\$216,142.50	\$216,142.50	100%
2. <u>Bolden v. Pennsylvania State Police</u> , 491 F. Supp. 958 (E.D. Pa 1980)	\$151,972.50	\$107,747.50	\$44,225.00	41%
3. <u>Stenson v. Blum</u> , 512 F. Supp. 680 (S.D.N.Y.) aff'd mem., 671 F.2d 493 (2d Cir. 1981), rev'd in part 104 S.Ct. 1541 (1984)	\$118,968.00	\$79,312.00	\$39,656.00	50%
4. <u>Brewster v. Dukakis</u> , 544 F. Supp. 1069 (D. Mass. 1982)	\$371,162.77	\$337,420.70	\$33,742.07	10%
5. <u>Alexander v. Hill</u> , 553 F. Supp. 1263 (W.D.N.C. 1983)	\$29,818.75	\$21,818.75	\$8,000.00	37%

Case	Total Award	Base Award	Amount of Multiplier or Bonus	Multiplier as a Percentage of Base Award
6. <u>Imprisoned Citizens Union v. Shapp</u> , 473 F. Supp. 1017 (E.D. Pa 1979)	\$10,374.75	\$9,021.52	\$1,353.23	15%
7. <u>Ross v. Saltmarsh</u> , 521 F. Supp. 753 (S.D.N.Y. 1981) aff'd mem., 688 F.2d 816 (2d Cir. 1982)	\$277,704.25	\$222,163.40	\$55,540.85	25%
8. <u>Rajender v. University of Minnesota</u> , 546 F. Supp. 158 (D. Minn. 1982)	\$1,842,037.40	\$763,697.40	\$1,078,340.00	141%
9. <u>Joseph v. Curtis</u> , No. 80-0125 (D.D.C. 1981)	\$10,008.90	\$9,099.00	\$909.90	10%
10. <u>Keeler v. Landrieu</u> , 29 EPD ¶ 32,879 (N.D. Ga. 1982)	\$98,854.20	\$82,378.50	\$16,475.70	20%
11. <u>Paralyzed Veterans of America v. Smith</u> , No. 79-1979 WPG (C.D. Cal. 1983)	\$38,250.00	\$36,625.00	\$1,625.00	4.4%

GAO Disbursements For Attorneys Fees : 1981 - 1983

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
1. <u>Zorn v. IRS,</u> No. 80-7351	FOIA	Firm \$25	\$110		\$110	\$4,769
2. <u>Indian Law Resource Cntr v. Dept of State,</u> C.A. No. 82-0424 (D.C. Cir. 1982)	FOIA	Firm				\$4,000
3. <u>Powell v. Marsh,</u> 80-2779 (E.D. Pa. 1983)	Title VII	Firm	\$90/hr	1/9 = \$10/hr	\$100/hr	\$13,750 (137.5 hrs)
4. <u>Minority Employees at NASA v. Frosch,</u> C.A. No. 74-1832 (D.D.C. 1981)	Title VII	Firm	\$100	10%	\$110	\$20,240 (184 hrs)
5. <u>Lee v. Nicholson,</u> No. 80-1048 (D.D.C. 1983)	Title VII	Firm				\$2,000
6. <u>Haynes v. Mark,</u> No. 80-K-600 (D. Colo. 1983)	Title VII	Firm				\$33,000
7. <u>McKenny v. Marsh,</u> (D.D.C. 1983)	Title VII	Firm				\$13,500 (interim)
8. <u>Zeidik v. Marsh,</u> No. 81-2592 (D.D.C. 1983)	Title VII	Firm				\$27,864 (interim)
9. <u>Shaver v. Schweiker,</u> No. C-81-4783 WMO (N.D. Cal. 1983)	Title VII	Firm	\$75 atty (cites EAJA)	(25% time reduction)	\$75	\$7,256

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
10. <u>Hogan v. Pierce,</u> No. 79-2124 (D.D.C. 1983)	Title VII	Firm				\$94,000
11. <u>Mackey v. Stetson,</u> No. C-C-77-124-M (WDNC 1983)	Title VII	Firm	80		80	\$97,707.03
12. <u>Natelson v. GSA,</u> No. 81-0341 (D.D.C. 1983)	Title VII	Firm				\$14,068.25 (Stipulation)
13. <u>Int'l Assn. Machinists and Aerospace Workers v. Donovan, No. II-82-563 (D. Conn. 1983).</u>	FOIA	Firm				\$3,750
14. <u>American Friends Serv. Comm. v. DLA, No. 82-2980 (E.D. Pa. 1983)</u>	FOIA	Firm	Approx. \$100		Approx. \$100	\$3,360 (for App. 31 hrs) (settlement)
15. <u>Fall v. FBI, No. 82-0413 (D.D.C. 1983)</u>	FOIA	Firm				\$6,000 (settlement)
16. <u>Davis v. Warnke,</u> No. 77-1707 (D.D.C. 1983)	Title VII	Firm	\$70 in- court \$60 out- of-court			\$1,050

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
17. <u>Peyton v. Schweiker</u> , No. 82-1374, (D.D.C. 1983)	Title VII	Firm				\$7,905 (settlement)
18. <u>Playboy v. U.S.</u> , No. 80-1172 (D.D.C. 1983)	FOIA	Firm				\$78,440.24 (settlement)
19. <u>Smartt v. Orr</u> , No. S-3004-RAR (E.D. Cal. 1982)	Title VII	Firm				\$9,000 (settlement)
20. <u>Stokes v. Block</u> , No. Y-02-307 (D. Md. 1983)	Title VII	Firm				\$2,400 for 162 hrs (settlement)
21. <u>Tri-County Land-owners Ass'n v. Dept. Int.</u> , No. 78-1648 (D.D.C. 1982)	FOIA	Firm				\$6,634.27 (settled)
22. <u>Funkhouser v. Sec Agric.</u> , No. HM-81-2266	Title VII	Firm				\$8,500 (settled)
23. <u>Wexler v. EEOC</u> , No. 82-1559 (D.D.C. 1983)	Title VII	Firm				\$15,500 (settled)
24. <u>Neloms v. S.W. Elec. Power Co.</u> , No. 74-613 (W.D. La. 1982)	Title VII	Firm	\$50 \$60 \$70 (in- creased w/ exper- ience)		50-60-70	\$11,172.75

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
25. <u>Stewart v. Clator Smith, No. 81-1643</u> (D.D.C. 1983)	Title VII	Firm				\$25,321.50 (settlement)
26. <u>ABC Home Health Services v. HHS, No. (81-1646A)</u> (N.D. Ga. 1983)	FOIA	Firm				\$6,496 (settled)
27. <u>Gibson v. INS, No. 82-0540</u> (SDNY 1983)	§1988	Firm				\$20,500 (stipulated)
28. <u>Guerrero v. Lehman, Nos. 78-0287 JLI and 81-0378-JLI</u> (S.D. Cal. 1983)	Title VII	Firm				\$10,000 (stipulated)
29. <u>Sepal v. Watt, C82-235T</u> (D. Wash. 1983)	Privacy Act	Firm				\$4,300 (stipulated)
30. <u>Zane v. U.S., Nos. 212, 213</u> (Cl. Ct. 1983)	Indian Claims Comm. Act 25 USC § 70 N	Firm				\$200,000 (stipulated)
31. <u>Waldrop v. USAF, No. 79-4013</u> (S.D. Ill. 1983)	EAJA	Firm				\$5,373
32. <u>Smith v. Smith, No. 3-82-0665-D</u> (N.D. Tex. 1983)	Title VII	Firm				\$5,000 (stipulated)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
33. <u>Gilday v. DOJ,</u> No. 82-0096 (D.D.C. 1983)	FOIA	Firm				\$1,207.50 (settled)
34. <u>Free Lance Star</u> <u>Publish Co. v.</u> <u>SBA, 82-0615-R</u> (E.D. Va. 1983)	FOIA	Firm				\$1,080
35. <u>Military Audit</u> <u>Project v. Colby,</u> No. 75-2103 (D.D.C. 1983)	FOIA	Firm				\$10,200 (settled)
36. <u>Parker v. Lewis,</u> No. 79-3443 (D.D.C. 1982)	Title VII	Pro se Firm				\$3,000 pro se \$12,360 attys (settled)
37. <u>EEOC v. Union</u> <u>Camp, No.</u> G 79-303 CA4 (W.D. Mich. 1982)						\$23,973.75
38. <u>Boogich v. Navy,</u> No. 81-2998 (D.D.C. 1982)	Title VII	Private	\$75/hr			\$6,780 (90.4 hrs + costs)
39. <u>Phillipi v. CIA,</u> No. 75-1265 (D.D.C. 1982)	FOIA	Private				\$12,700
40. <u>In re Hackney,</u> <u>Bankruptcy</u> 80-00144 (1982)	IRS Code	Firm				\$350

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
41. <u>Miami Herald v. SBA</u> , No. 79-1624-Civ-JE (S.D. Fla. 1983)	FOIA	Firm				(included in \$40,000 judgment)
42. <u>Keeney v. FBI</u> , No. 76-396 (D. Conn. 1982)	FOIA	Firm	\$50/hr			\$3,500 (70 hrs)
43. <u>Coleman v. Schweiker</u> , (D.D.C. 1982)	Title VII	Firm				\$57,671.25 (settled)
44. <u>Siegel v. U.S.</u> , No. 78-2906 (SDNY 1982)	Title VII	Firm				\$33,000 (settled)
45. <u>Ferris v. IRS</u> , No. 81-0383 (D.D.C. 1982)	FOIA	Firm				\$2,800 (settled)
46. <u>Moss v. Orr</u> , No. J80-0322(R) (S.D. Miss 1982)	Title VII	Firm				Included in \$34,000 consent decree
47. <u>Poarch v. Adams</u> , No. 78-2-1024 (D. Colo. 1981)	Title VII	Private	\$65/hr \$75/hr (same attorney)		\$65 \$75	\$16,179.50
48. <u>Arthur v. Malone</u> , No. N-81-218 (D. Md. 1982)	Rehab. 29 USC § 794(a)	Private				\$5,500 (settled)
49. <u>Mangiapane v. Lewis</u> , No. 75-1239 (D.D.C. 1982)	Title VII	Private	(a) ? (b) 70/hr		70	(a) \$21,000 (settled) (b) \$8,428 (earlier award)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
50. <u>Luevano v. Campbell</u> , No. 79-0271 (D.D.C. 1982)	Title VII	2 Private firms 6 public interest groups				Consent order \$265,962
51. <u>EDF v. EPA</u> , No. 82-0362 (D.D.C. 1982)	FOIA	Firm				\$3,833.13 (settlement)
52. <u>Nat'l Treasury Employees' Union v. Dep't Treas.</u> , No. 76-1404 (D.D.C. 1982)	Privacy Act	Firm	\$30/hr \$35/hr	(Court halved fee request of \$60 + \$70/hr	\$30 \$35	\$3,833.13
53. <u>U.S. v. Slobov</u> , No. 80-3800 (6th Cir. 1982)	§ 1988	Firm	\$25,000 requested			\$8,000
54. <u>EEOC v. Pierce Packing Co.</u> , No. 77-27- BLG (D. Mont. 1982)	Title VII ?	Firms				\$21,404.15 to Company \$5,212.50 to Union
55. <u>NRDC v. Watt</u> , No. 80-1935 (D.C. Cir. 1982)	§ 43 USC § 1349 (a) (5)	Public interest (NRDC, Sierra Club, etc.)				\$35,000

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
56. <u>Williams v. Smith</u> , No. 74-186 (D.D.C. 1981)	Title VII ?	Firm				\$60,000 (settlement)
57. <u>Saunders v. Navy</u> , No. C-80-3832 WHO (N.D. Cal. 1982)	Title VII	(a) Firm (b) Legal Aid Soc. (c) Firm (d) Firm				(a) \$2,500 (order) Stipulation: (b) \$540,831.59 (c) \$37,917.34 (d) \$85,394.77
58. <u>Long v. IRS</u> , No. C 77-640V (W.D. Wash. 1980)	FOIA	Firm				\$26,698.29 (stipulated)
59. <u>Joseph v. Curtis</u> , No. 80-0125 (D.D.C. 1981)	Title VII (?)	Firm	70.00 100.00 (two attys)	10%	\$77/hr \$110/hr	\$10,008.90
60. <u>Hobbs v. Schweiker</u> , No. 76-2354 (D.D.C. 1982)	Title VII	Firm				\$16,311.50
61. <u>Garnes v. Pauken</u> , No. 76-0974 (D.D.C. 1982)	Title VII (?)	Firm	\$100/hr		\$100/hr	\$22,504
62. <u>Long v. IRS</u> , No. C-77-650 (W.D. Wash. 1982)	FOIA	Firm		20.62 hrs.		\$1,631.94 (stipulation)
63. <u>Hoffman v. Donovan</u> , No. 80-1351 (D.D.C. 1982)	FOIA	Firm				\$2,250 (settlement)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
64. <u>Weiss v. Marsh</u> , C.A. No. 81-65-S (M.D. Ala. 1983)	Title	private VII	\$75			\$32,109
65. <u>Mundy v. Weinberger</u> , C.A. No. 80-2096 (D.D.C. 1983)	Back Pay Act	private firm				\$35,559.93 (settlement)
66. <u>Hawkins v. CIA</u> , C.A. No. 79-2306- EFC (N.D. Cal. 1983)	FOIA	private counsel				\$18,000 (settlement)
67. <u>Perry v. Block</u> , C.A. No. 80-1487 (1983)	Title VII	private counsel				\$4,397.54 (settlement)
68. <u>Turch v. SEC</u> , No. 82-CV-1138 (NDNY 1983)	FOIA	private counsel				\$1866.84
69. <u>Kemp v. Williams</u> , No. 77-2014 (D.D.C. 1983)	Title VII	private counsel				\$16,500 (with costs)
70. <u>Wright v. Weinberger</u> , C.A. No. 82-0813 (E.D. Pa. 1983)	Title VII	private counsel				\$8,743 (with costs)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
71. <u>Randlett v. Harris</u> , C.A. No. 80-K-754 (D. Colo. 1982)	Title VII	private counsel				\$6,680.05 (w/costs)
72. <u>Keeler v. Landrieu</u> , 29 EPD ¶ 32,879 (N.D. Ga. 1982)	Title VII	private counsel	\$45-85	208		\$98,854.20
73. <u>College Heights Prop Owners Assn. v. EPA</u> , C.A. No. 82-373-C (WDNY 1982)	FOIA	private counsel				\$329.87
74. <u>Darden v. EEOC</u> , C.A. No. 81-3045, (D. Md. 1982)	Title VII	private firm				\$18,138.98 (w/costs)
75. <u>Lang v. Lewis</u> , C.A. No. F-81-243 (N.D. Ind. 1982)	Title VII	private firm				\$9,000
76. <u>Snead v. Schweiker</u> , C.A. 72-2191 (D.D.C. 1982)	Title VII	private counsel	\$80/hr	1.25	\$100.00	\$2,673.40 (w/costs)
77. <u>Turbeville v. Casey</u> , No. 81-1058-A (E.D. Va. 1982)	Title VII	firm				\$6,300.72 (settlement)
78. <u>Letelier v. DOJ</u> , No. 79-1984 (D.D.C. 1982)	FOIA	private firm				\$9,369.95 (w/costs) (settlement)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
79. <u>Guidry v. Alexander,</u> No. 78-39-RE Nos. 82-3098 and 82-3119, (D. Ore. 1982)	Title VII	private				\$22,117.38 (settlement)
80. <u>Florida Power & Light Co. v. Costle,</u> No. 80-5314 (5th Cir. 1981)	Clean Air Act	private				\$36,830.50 (w/costs)
81. <u>Taylor v. Jones,</u> No. CR-C-76-90 (E.D. Ark 1982)	?	private				\$12,268.72 (w/costs)
82. <u>McCoy v. Schweiker,</u> No. 81-338, (D. Md. 1982)	Title VII	private firm				\$1,000
83. <u>Fulks v. U.S.,</u> No. 78-2529 (N.D. Cal. 1982)	Swine Flu	private firm				\$5,600
84. <u>Wommack v. U.S.,</u> M-80-105-CA (E.D. Tex. 1983)	FOIA	private counsel				\$1,469.81 (settlement)
85. <u>Velez v. Devine,</u> No. 81-1225, (D.D.C. 1982)	Title VII	private firm				\$2,251.07 (w/costs)
86. <u>Martin v. MSPB,</u> No. 81-2471 (D.D.C. 1982)	FOIA	private				\$1,220

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
87. <u>Scherer v. Ripley</u> , ? No. 77-1856, (D.D.C. 1982)		private				\$15,145.84 (w/costs)
88. <u>Heights County Congress v. VA</u> , No. 80-52 (N.D. Okla. 1982)	FOIA	private				\$5,000
89. <u>Miller v. CIA</u> , No. 77-1029 (D.D.C. 1982)	FOIA	private				\$9,975
90. <u>Fund for Consti- tutional Govt. v. Nat'l Archives and Records Service</u> , No. 82-1513 (D.C. Cir. 1982)	FOIA	private				\$18,478.38 (w/costs)
91. <u>McGlathery v. Frosch</u> , CA 78-M- 5065-NE, (N.D. Ala. 1982)		Title VII	private			\$8,778.97 (w/costs)
92. <u>Nat'l Treasury Employee's Union v. Customs</u> , No. 79-1208, (D.D.C. 1982)	?	private				\$1,750
93. <u>McIntyre v. GSA</u> , No. 81-1355, (D.D.C. 1982)	?	private				\$1,770

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
94. <u>Mendoza v. Treasury, CV 78-3347-AWT</u> (C.D. Cal. 1981)	FOIA	private	\$75/hr \$50/hr			\$2,687.50 (settlement)
95. <u>Nakshian v. Lehman, No. 79-1833</u> (D.D.C. 1982)	ADEA	private				\$6,809.35 (settlement)
96. <u>Del. Carmen v. Boorstin, C.A. No. 81-1524</u> (D.D.C. 1982)	Title VII	private	\$75			\$748.50 (62.2 hrs)
97. <u>Recker v. Bell, C.A. No. 83-1095</u> (D.D.C. 1983)	Title VII	private				\$3,500 (settlement)
98. <u>Ackerman v. Bell, C.A. No. 82-1367</u> (D.D.C. 1983)	Title VII	private				\$3,300
99. <u>Holt v. Schweiker, C.A. No. 82-1910</u> (E.D. Pa. 1983)	social security	private				\$1,032
100. <u>Green v. U.S., C.A. 80-PT-5198-NE</u>	29 USC § 794a	private				\$2,060

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
101 <u>Pacific Legal Foundation v. Council on Environmental Quality,</u> C.A. No. 79-116	Sun- Shine Act	private				\$31,929.20
102 <u>Alexander v. U.S.,</u>	29 USC §§ 207, 216	private				\$16,250
103 <u>Dodgins v. Secretary, HHS Services,</u>		private	258			\$5,166.60 (for 76 hrs)
104 <u>Union of Con- cerned Scien- tists v. U.S. Nuclear Reg. Comm.,</u>		private				\$2,800
105 <u>McLaughlin v. Alexander</u>		private				\$6,300
106 <u>Miller v. Staats,</u>		(a) private (b) private (c) private (d) public int group				(a) \$5,737.19 (b) \$3,734.55 (c) \$30,060.80 (d) \$52,945.55
107 <u>Hackly v. Max Cleland,</u>		private				\$86,034.43

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
108 <u>Howard v. Donovan</u>	42 USC § 2000	private				\$13,357
109 <u>Queen v. U.S.,</u>	F.R.C.P. 54(d)	private				\$609
110 <u>Kreysa v. Regan,</u>	Title VII	private				\$47,326
111 <u>Lund v. V.A.,</u>	FOIA					\$750
112 <u>Shea v. United States, No. 81 C 5997 (N.D. Ill. 1983)</u>	28 USC § 2412	private firm				\$3,075
113 <u>Paralyzed Vete- rans of America v. Smith, No. 79- 1979 WPG (C.D. Cal. 1983)</u>	Rehab. Act	private	(a) \$200	\$2,200		(a) \$3,000
		counsel	(b) \$150	lodestar		
		public	to re-	\$6,375,		(b) \$8,000
		interest	cover	lodestar		
			attys' fees)	plus \$1,625		
	(c)	bonus				
			(d) \$150			(c) \$12,750
			(e) \$150			(d) \$6,500
						(e) \$8,000
114 <u>Souther v. Navy, No. 80-0184 (D.D.C. 1983)</u>	Title VII	private counsel				\$25,000
115 <u>Paz v. Smith, No. 81-2029 (D.D.C. 1983)</u>	Title VII	private counsel				\$5,188

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
116 <u>Veterans Educa- tion Project v. Air Force</u> , 515 F. Supp. 993 (D.D.C. 1981), aff'd mem., 679 F.2d 263 (D.C. Cir. 1982)	FOIA	private counsel	\$25-110			\$67,148.12
117 <u>National Assn of Concerned Veterans v. Secretary of Defense</u> , 487 F. Supp. 192 (D.D.C. 1983)	FOIA	National Veterans Law Center				\$51,000 (includes costs)
118 <u>Hough v. U.S.</u> , No. 80-470 (W.D. Mich. 1983)	Swine Flu Act	private counsel				\$42,122.14
119 <u>Leverett v. Federal Law Enforcement Training Center</u> , No. 280-136 (S.D. Ga. 1983)	FOIA	private counsel				\$23,000
120 <u>Crape v. U.S. Dept. of Ag.</u> , 81-C-261 (E.D. Wis. 1983)	Title VII	private counsel				\$15,500

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
121 <u>Hoopa Valley Tribe v. Watt</u> , No. C-81-3094 MHP (N.D. Cal. 1983)	EAJA		\$92.50 97.90 principal attys \$38.10 \$15.00 grad student			\$19,362.04
122 <u>Thomas v. Grinstead</u> , (1983)	Title VII	private firm				\$9,308.10 (includes costs)
123 <u>Britton v. McPherson</u> , No. 82-1436 (D.D.C. 1983)	Title VII	private counsel				\$2,000 (includes costs- settlement)
124 <u>Britton v. Agency for International Development</u> , No. 80-2657 (D.D.C. 1982)	FOIA	private counsel	(a) \$85 partner (b) \$60 co-counsel			\$2,378
125 <u>Ellsberg v. CIA</u> , No. 79-2 799 (D.D.C. 1983)	FOIA	private firm				\$2583.50 (includes costs)
126 <u>Devereux v. FBI</u> , Civil Action No. 81-705 PHX-VAC (RCG)	FOIA	private firm				\$14,225
127 <u>Garcia v. INS</u> , Action No. 82-F-680 (D. Colo. 1983)	EAJA	private firm				\$6,000 (settlement)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
129 <u>Bevc v. Department of State,</u> No. C79-2787-MHP (N.D. Cal. 1982)	FOIA	pro se and private firm				\$8,870 (settlement)
130 <u>Mendoza v. INS,</u> No. EP-82-CA-76 (W.D. Tex/ 1983)	28 USC § 2201- 2202	El Paso Legal Assistance Society & private counsel				(a) \$5,450 (b) \$6,750 (c) \$2,680 (d) \$2,490 (e) \$1,475 (f) \$1,200
131 <u>Porter v. Miller,</u> No. 80-126 (D.D.C. 1983)	Title VII	private firm	\$65 associate \$75 partner			\$12,104
132 <u>Hoska v. Department of Army,</u> No. 81- 1352 (D.C. Cir. 1983)	Back Pay Act and EAJA	private firm				\$5,518.13
133 <u>Smith v. Schweiker,</u> No. 76-2311 D.D.C. 1983)	Title VII	private firm				(a) \$2406.56 (includes costs - settlement)
134 <u>Epps v. Ripley,</u> No. 81-0588 (D.D.C. 1983)	Title VII	private counsel				\$13,500
135 <u>Harman v. Baldrige,</u> No. IP 82- 2141C (S.D. Ind. 1983)	FOIA	private firm				\$500

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
136 <u>Quirindongo v. Crosland</u> , No. 81-315-TUC- ACM (D. Ariz. 1983)	Title VII	private firm	\$85			\$8,032.50
137 <u>Chewning v. Edwards</u> , No. 76-334 (D.D.C. 1983)	Title VII	private counsel			interim awards	(a) \$45,000 (b) \$88,457 (c) \$102,350 (d) \$79,734.92
138 <u>Jordan v. DOJ</u> , 691 F.2d 514, (D.C. Cir. 1982)	FOIA	law student & prof				\$22,610.58 (includes costs)
139 <u>Fraser v. United States</u> , C.A. No. C-75-284 (E.D. Wash. 1982)	Title VII	private counsel				\$8,333 (settlement)
140 <u>Andres v. C.I.A.</u> , C.A. No. 80-0865 (D.D.C. 1983)	FOIA	private counsel				\$8,410.45 (includes costs- (settlement)
141 <u>Johnson v. Bond</u> , C.A. No. 80-C- 0080 (N.D. Ill. 1983)	Title VII	private firm				\$2,499.99 (settlement)
142 <u>Fancher v. Nimono</u> , No. LR-C-79-541 (W.D. Ark. 1983)	Title VII	private firm	\$25 (law clerk)			\$13,207.50
143 <u>EEOC v. Detroit Edison</u> , C.A. No. 80-73587 (E.D. Mich. 1982)	Title VII (?)	In- house	\$29 (lead atty) \$14.50 (atty)			\$9,696.43 paid by EEOC for frivolous suit)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
144 <u>Green v. Dept. of Commerce</u> , No. 77-0363 (D.D.C. 1982)	FOIA	private counsel				\$20,000 (includes costs- (settlement))
145 <u>Hornick v. Marsh</u> , C.A. No. 82-0630 (D.D.C. 1982)	Title VII (?)	private counsel				\$2,570 (includes costs- (settlement))
146 <u>Patterson v. Marsh</u> , C.A. No. CV 80-H-1617-E (N.D. Ala. 1982)	Title VII (?)	private counsel				\$1,500 (settlement)
147 <u>Whitlow v. Dept. of Navy</u> , CA No. IP82-790-C (S.D. Ind. 1982)	FOIA	private firm				\$2,500 (includes costs- (settlement))
148 <u>Phillips v. Orr</u> , C.A. No. 81-Z-492 (D. Colo. 1982)	Title VII	private counsel				\$3,000
149 <u>Stevenson v. Secretary of Air Force</u> , C.A. No. CIV-80-943-D (W.D. Okla. 1982)	Title VII	private counsel	\$75			\$4,500
150 <u>National Wildlife Federation v. Watt</u> , C.A. No. 82-0320	(environ- mental)	private firm				\$27,250 (settlement)

Case Name and Cite	Statute	Attorney	Base Rate	Multiplier	Effective Rate	Total Award
151 <u>Watch v. Harris,</u> C.A. No. H-78- 539 (D. Conn. 1981)	(environ- mental)					\$19,419.70
152 <u>EEOC v.</u> <u>Shoney's, C.A.</u> NO. 81-G-0S09-S	Title VII	private firm	\$90 partner \$70 sr. assoc. \$40-45 (associates)			\$18,430.39 (paid by EEOC for frivolous suit)
153 <u>Lopez v.</u> <u>Crosland, C.A.</u> No. 70-1707-E (S.D. Cal. 1982)	Title VII	Legal Defense Fund & private firm				(a) \$12,839.25 (b) \$20,460 (includes costs)
154 <u>Beck v. Chasen,</u> C.A. No. 80-1310 CIV-T-WC (M.D. Fla. 1982)	Title VII	NTEU Legal Services Fund				\$5,670.66 (includes costs)

Table C

Attorney Fee Awards for Cases Adjudicated Before the U.S. District Court For
The District of Columbia

ATTORNEYS FEES

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>*Vaughn v. Rosen, No. 73-1039</u> (D.C. Cir. 1973)	\$85	FOIA
<u>Smith v. Kleindiest, 1-10</u> (p. 651), 8 FEP 752 (D.D.C. 1974)	\$40-\$75	Title VII
<u>Communist Party of the United</u> <u>States v. Department of Justice,</u> No. 75-1770 (D.D.C. 1976)	\$45	FOIA
<u>Parker v. Matthews, 411 F. Supp.</u> <u>1059 (1976), aff'd 561 F.2d 320</u> (D.C. Cir. 1977)	\$30-\$60	Title VII
<u>Pealo v. Farmers Home Adm.,</u> <u>412 F. Supp. 561 (1976)</u>	\$50-\$60	Housing
<u>Rucker v. Matthews, No. 75-0531</u> (D.D.C. 1976)	\$58.05 (average)	Title VII
<u>Weahkee v. Perry, 16 FEP 755</u> (D.D.C. 1976)	\$60	Title VII
<u>Walden v. Boorstin, 16 FEP 1739</u> (D.D.C. 1976)	\$50	Title VII
<u>Williams v. Saxbe, 17 FEP 1657</u> (D.D.C. 1976)	\$30-\$65	Title VII
<u>Zeldin v. Hoffman, No. 75-1913</u> (D.D.C. 1976)	\$40	FOIA
<u>Anderson v. Treasury, et al.,</u> <u>No. 76-1404 (D.D.C. 1977)</u>	Not based on hourly rate (awarded \$2,000)	PA
<u>The Founding Church of</u> <u>Scientology of Washington, D.C.,</u> <u>Inc. v. Marshall, 439 F. Supp.</u> <u>1267 (1977)</u>	\$60	FOIA
<u>Copeland v. Userv, 14 FEP 1677</u> (D.D.C. 1977)	\$57.17 (average)	Title VII
<u>Pace v. Califano, No. 76-99</u> (D.D.C. 1977)	\$52-\$54	Title VII
<u>*In Re Ampicillin Antitrust,</u> <u>Litigation MDL No. 50, Misc.</u> <u>No. 45-70 (D.D.C. 1978)</u>	\$40-\$200	Other

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Cayce v. Adams</u> , 18 FEP 465 (D.D.C. 1978)	\$40-\$75	Title VII
* <u>Copeland v. Marshall</u> , No. 77-1351 (D.D.C. 1978)	\$51.65	Title VII
<u>Kinsey v. Legg Mason Wood Walker</u> , No. 71-1338 (D.D.C. 1978), aff'd No. 78-1994 (D.C. Cir. 1979)	\$20-\$65 Period of 1971-1978	Title VII
<u>Parker v. Califano</u> , 443 F. Supp. 789 (1978)	\$35-\$72	Title VII
<u>Postow v. Oriental Bldg. Ass'n</u> , 455 F. Supp. 781 (1978)	\$60-\$75	Other
<u>Stephenson v. Simon</u> , 448 F. Supp. 708 (1978)	\$60	Title VII
<u>American Broadcasting Companies Inc., et al. v. Department of Labor, et al.</u> , No. 78-1711 (D.D.C. 1979)	\$55-\$75	FOIA
<u>Crocker v. Department of State</u> , No. 79-1820 (D.D.C. 1979)	\$5 (Prisoner)	FOIA
<u>Jones v. United States Secret Service, et al.</u> , No. 78-0891 (D.D.C. 1979)	\$10 PRO SE	FOIA
<u>Marimont v. Califano</u> , No. 1992-73 (D.D.C. 1979)	\$50-\$85	Title VII
<u>Public Citizen Health Research Group v. Department of Labor</u> , No. 76-887 (D.D.C. 1979)	\$55	FOIA
<u>Sonnenberg v. Adams</u> , 18 Emp. Prac. Dec. 8875 (D.D.C. 1979)	\$50	Title VII
<u>Ward v. Postal Rate Commission</u> , No. 77-0145 (D.D.C. 1979)	\$50-\$75	FOIA/PA
<u>Williams v. Boorstin</u> , No. 78-2408 (D.D.C. 1979)	\$75	Title VII
<u>Wolfson v. Department of Justice</u> , No. 75-1714 (D.D.C. 1979)	\$60-\$75	FOIA

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Jones v. Trailways Corporation,</u> No. 78-1327 (D.D.C. 1980), 33 FEP 394	\$75	Title VII
<u>Williams v. Civiletti, et al.,</u> No. 74-0186 (D.D.C. 1980); <u>Vacated</u> (D.C. Cir. 1981)	\$30-\$85	Title VII
<u>American Jewish Congress v.</u> <u>Kreps, No. 75-1541 (D.D.C.</u> <u>1981)</u>	\$40-\$75	FOIA
<u>Bachman v. Pertschuk, No.</u> <u>76-0079 (D.D.C. 1981)</u>	\$70-\$100	Civil Rights
<u>Blake v. Hoston, 513 F. Supp.</u> <u>663 (D.D.C. 1981)</u>	\$40-\$75 for period of 1976-1978	Title VII
<u>Caton v. Barry, No. 80-1584</u> <u>(D.D.C. 1981) Amended June 9,</u> <u>1981</u>	\$50-\$100	Other
<u>Donnell v. United States of</u> <u>America, No. 78-0392 (D.D.C.</u> <u>1981)</u>	\$40-\$60	Voting Rights
<u>Fells v. Brooks, No. 80-2981</u> <u>(D.D.C. 1981)</u>	\$75	Other
<u>Garnes v. Brown, No. 76-0974</u> <u>(D.D.C. 1981); Deft's motion</u> <u>for partial reconsideration</u> <u>denied (2/23/82); Pltf's</u> <u>motion for relief from judgment</u> <u>granted in the amount of \$22,504</u> <u>(3/30/82)</u>	\$60-\$100	Title VII
<u>Green v. Department of Commerce,</u> <u>No. 77-0363 (D.D.C. 1981),</u> <u>Remanded No. 81-1791 (D.C. Cir.</u> <u>1982)</u>	\$45-\$95	FOIA
<u>Indian Law Resource Center v.</u> <u>Department of the Interior, No.</u> <u>79-0540 (D.D.C. 1981)</u>	\$70 (average)	FOIA
<u>In Re: Ampicillin Antitrust</u> <u>Litigation, 526 F. Supp. 494</u> <u>(1981)</u>	\$55 (average)	Other

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>In Re: Swine Flu Immunization Products Liability Litigation, MDL No. 330, Misc. No. 78-0040 (D.D.C. 1981)</u>	\$40-\$75	Swine Flu
<u>Kaplan v. Hirsch, No. 80-2898 (D.D.C. 1981)</u>	Not based on hourly rate (awarded \$1,500)	Contract
<u>Kemp v. Williams, No. 77-2014 (D.D.C. 1981); Vacated and Remanded No. 81-1838 (D.C. Cir. 1982); Consent Order 1/5/83</u>	\$45-\$60	Title VII
<u>Konyha v. Dime Company, Inc., et al., No. 81-1149 (D.D.C. 1981)</u>	Not based on hourly rate (awarded \$1,487.50)	Other
<u>Lawrence v. Franklin Investment Co., Inc., et al., No. 78-0919 (D.D.C. 1981)</u>	\$75	Other
<u>Mangiapane v. Secretary of Transportation, No. 75-1239 (D.D.C. 1981)</u>	\$70	Title VII
<u>Metropolitan Washington Coalition of Clean Air, et al. v. District of Columbia, Nos. 73-1424, 73-1844 (D.D.C. 1981)</u>	\$40-\$175	Other
<u>National Ass'n. of Concerned Veterans v. Secretary of Defense, No. 79-0212 (D.D.C. 1981), Remanded 675 F. 2d 1319 (1982)</u>	\$85	FOIA
<u>North Slope Borough, et al. v. Cecil D. Andrus, et al.; National Wildlife Federation v. Cecil D. Andrus, et al; Village of Kaktovik, et al. v. Cecil D. Andrus, et al; 515 F. Supp. 961 (1981), Motion for Partial Reconsideration Denied, May 29, 1981</u>	\$45-\$125	Other
<u>Parker v. Lewis, No. 79-3443 (D.D.C. 1981); Remanded No. 81-1965 (D.C. Cir. 1982); Stipulation of Settlement and Dismissal 11/9/82 (\$12,360.15)</u>	\$50 (pro se representation) \$50-\$138 (Attorneys)	Title VII

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Quinto v. Legal Times of Washington, Inc., et al.</u> , 511 F. Supp. 579 (1981)	\$5 law student (pro se)	Other
<u>Smith v. Schweiker</u> , No. 76-2311 (D.D.C. 1981); Amended No. 81-1860 (D.C. Cir. 1982) (\$12,046.90 total)	\$55-\$65 (\$9,988.25 total)	Title VII
<u>Snead v. Harris</u> , No. 77-2191 (D.D.C. 1/30/81) 33 FEP 397; 7/30/82	\$80 \$95	Title VII
<u>Veterans Education Project v. Secretary of the Air Force, et al.</u> , 515 F. Supp. 995 (1981); Remanded No. 81-1741 (D.C. Cir. 1982)	\$25-\$110	FOIA
<u>Welchel v. Lewis</u> , No. 78-0514 (D.D.C. 1981)	\$65-\$85	Title VII/ Equal Pay Act
<u>Breen v. Tucker</u> , No. 78-2222; <u>Breen v. District of Columbia, et al.</u> , No. 80-0709 (D.D.C. 1981) --Stipulation filed 10/29/81 for additional fees \$289.47; Stipulation filed 7/30/82 for additional fees \$574.84	\$90	Title VII
<u>Crowley v. Haig</u> , No. 74-0494 (D.D.C. 1981)--9/25/81 Opinion 12/9/81 Opinion Reversed Nos. 81-2213 and 81-2352 aff'd No. 82-1007 (D.C. Cir. 1983)	\$40-\$148.28 \$60-\$148	Personnel Action/Back Pay Defen- sive fee Litigation discovery
<u>Davis v. Warnke</u> , No. 77-1707 (D.D.C. 1981)	\$60 (non-court time)	Civil Rights
<u>Chicago Title Insurance Company v. Kern</u> , No. 80-3174 (D.D.C. 1981)	Not based on hourly rate (awarded \$1,664)	Other
<u>Shaw v. Library of Congress</u> , No. 79-0325 (D.D.C. 1981)	\$85	Title VII
<u>Smith v. Navy</u> , 78-0953, (D.D.C. 1981)	\$75	Title VII

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Pearch v. Pierce</u> , No. 79-1651 (D.D.C. 1981)	\$65	Title VII
<u>Vines, et al. v. Hodges, et al.</u> , No. 75-1211 (D.D.C. 1981)	\$40-\$55	Other
<u>Gee v. Boorstin</u> , No. 77-1628 (D.D.C. 1981)	Not based on hourly rate (awarded \$21,182.25)	Title VII
<u>Valdez v. Ink</u> , No. 80-0114 (D.D.C. 1981)	\$60-\$75	Equal Pay
<u>Proctor v. Woodson</u> , No. 79-0155 (D.D.C. 1981)	\$65	Title VII
<u>Bright v. Butler</u> , No. 80-2401 (D.D.C. 1981); <u>aff'd</u> No. 82-1113 (D.C. Cir. 1982)	\$60	Title VII
<u>Harris v. District of Columbia Board of Education, et al.</u> , No. 81-1842 (D.D.C. 1981)	\$65-\$75	Other
<u>Davis v. Bolger</u> , 512 F. Supp. 61 (1981)	\$70	Title VII
<u>Stimpert v. Lewis</u> , No. 79-1336 (D.D.C. 1981)	\$50-\$75	Equal Pay
<u>Thompson v. Turner</u> , No. 79-1565 (D.D.C. 1981)	\$60-\$80	Title VII
<u>Roberts v. Solomon</u> , No. 77-2188 (D.D.C. 1981)	\$20-\$100	Title VII
<u>Jarrett v. Adams</u> , No. 76-1824 (D.D.C. 1982).	\$64-\$85	Title VII
<u>Means v. D.C. Board of Education</u> , No. 78-2402 (D.D.C. 1982)	\$65 through 1979 \$75 thereafter	Other
<u>Patsel v. District of Columbia Board of Education</u> , 530 F. Supp. 660 (1982)	\$80	Other
<u>Davis v. District of Columbia Board of Education</u> , 530 F. Supp. 1215 (1982)	\$80	Other

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Foster v. District of Columbia Board of Education, No. 82-0095 (D.C. 1982)</u>	\$80	Other
<u>Lopez v. Rodriguez, No. 79-3102 (D.D.C. 1982)</u>	Not based on hourly rate (awarded \$22,000)	Other
<u>Fells v. District of Columbia Education, No. 81-0821 (D.D.C. 1982)</u>	Not based on hourly rate (awarded \$1,290)	Other
<u>Photo Data, Inc. v. Sawyer, 533 F. Supp. 348 (1982)</u>	\$75	EAJA
<u>International Brotherhood of Painters and Allied Trades Union and Industry National Pension, et al. v. J&J Paint and Glass, No. 82-0902 (D.D.C. 1982)</u>	Not based on hourly-rate (awarded \$482.60)	Other
<u>Environmental Defense Fund, Inc. v. EPA, 672 F. 2d 42 (1982)</u>	\$55-\$110 Supp. Fee Applica- tion--\$110	Other
<u>Alabama Power Company v. Gorsuch, 672 F.2d 1 (1982)</u>	\$48	Other
<u>Smalls v. District of Columbia Education, No. 81-0684 (D.D.C.)</u>	\$75	Other
<u>Towell v. District of Columbia Board of Education, No. 81-0868 (D.D.C. 1982)</u>	\$75	Other
<u>Warren v. District of Columbia Board of Education, No. 80-1841 (D.D.C. 1982)</u>	\$75	Other
<u>Fund for Constitutional v. Government National Archives and Records Service, No. 76-1820 (D.D.C. 1982)</u>	\$45-\$100	FOIA
<u>Johnson v. District of Columbia Board of Education, No. 80-0897 (D.D.C. 1982)</u>	\$75	Other
<u>Murray v. Weinberger, No. 75-2145 (D.D.C. 1982)</u>	\$45-\$75	Title VII
<u>Northwest Airlines, Inc. v. EEOC, No. 80-2192 (D.D.C. 1982)</u>	\$75-\$110	FOIA/Title VII

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Hobbs v. Schweiker</u> , No. 76-2354 (D.D.C. 1982)	\$65-\$85	Title VII
<u>Hoska v. Department of the Army</u> , 694 F.2d (1982)--Remanded to MSPB re: amount of attorney fees for administrative appeal	\$67.50 (Judicial Review)	EAJA
<u>Sierra Club v. Gorsuch</u> , 684 F.2d 972 (1982)	\$110	Other
<u>Del Manufacturing Company v.</u> <u>United States of America</u> , No. 82-0153 (D.D.C. 1982)	\$75	EAJA
<u>Sahni v. Barry</u> , No. 81-1215 (D.D.C. 1982)	\$75	Other
<u>NAACP, et al. v. Donovan</u> , 554 F. Supp. 715 (1982)	\$60-\$75 (attys) \$25-\$35 (para- legals & summer assoc.)	EAJA
<u>Del Carmen v. Boorstin</u> , No. 81-1524 (D.D.C. 1982)	\$75	Title VII
<u>National Treasury Employees</u> <u>Union v. Department of the</u> <u>Treasury</u> , No. 76-1404 (D.D.C. 1982)	\$60-\$70	Other
<u>Bundy v. Jackson</u> , No. 77-1359 (D.D.C. 1982); <u>Vacated</u> 10/12/82	\$65-\$100	Other
<u>Zorn v. IRS</u> , No. 80-2351 (D.D.C. 1982) (Additional \$35 awarded to cover 1 hr. spent by plaintiff's counsel in preparing reply to defendant's memo on fees and expenses)	\$110	FOIA
<u>Morgan v. Barry</u> , No. 81-1419 (D.D.C. 1983)	\$55-\$75	Other
<u>Porter v. Miller</u> , No. 80-0126 (D.D.C. 1983)	\$65-\$75	Title VII
<u>Corley v. The Hecht Company,</u> <u>et al.</u> , No. 79-2474 (D.D.C. 1983)	\$75-\$125	Other

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Connors v. Drivers, Chauffeurs and Helpers Local Union No. 639, et al., No. 82-1840 (D.D.C. 1983)</u> --Supplemental Motion granted April 11, 1983	\$80-\$190	Other
<u>Acosta v. The University of the District of Columbia, et al., No. 80-1267 (D.D.C. 1983)</u>	\$65-\$115	Title VII/ Race and National Origin
<u>Bellefonte Insurance Company v. Ronald K. Gaines, et al. No. 82-0748 (D.D.C. 1983)</u>	\$60	Other
<u>Murray v. Weinberger, No. 75-2145 (D.D.C. 1983)</u> --additional fees awarded (See 2/11/82 Opinion issued in this action)	\$55-\$100	Title VII
<u>Weisberg v. FBI, Nos. 78-0322 and 78-0420 (D.D.C. 1983)</u>	\$53	Other
<u>Des Moines Register and Tribune Company and Tom Knudson v. Department of Justice, et al., 563 F. Supp. 82 (1983)</u>	\$35 in-house counsel \$75 outside counsel	FOIA
<u>Citizen's Coordinating Committee on Friendship Heights, Inc., et al. v. Washington Metropolitan Area Transit Authority, 568 F. Supp. 825 (1983)</u>	\$75-\$110	Other
<u>National Geographic Society v. 3A Editores, S.A., No. 80-1684 (D.D.C. 1983)</u>	Not based on hourly rate (awarded \$7,874.66 fees & costs-- Defendant's counsel personally liable for \$1,500 of the above- mentioned total.)	Other
<u>Aero Corporation v. Department of the Navy, No. 79-2944 (D.D.C. 1983)</u> (SEE Memo in support of attys fees award)	\$55-\$142	Govt. Contract

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Mary Roe and John Doe v. Life-spring, Inc., et al., No. 81-3215 (D.D.C. 1983)</u>	\$75	Other
<u>Metrocare, et al. v. Washington Metropolitan Area Transit Authority, No. 78-1003 (D.D.C. 1983)</u>	\$75-\$150	Title VII
<u>Childress v. Washington Metropolitan Area Transit Authority, No. 82-2786 (D.D.C. 1983) (SEE Documentation in support of award of costs and attorneys fees)</u>	\$100	Other
<u>United States for the use and benefit of Eastern Foundation Co., Inc. v. Blake Construction Company, Inc., No. 66-3371 (D.D.C. 1983)</u>	\$12,944 for efforts in Ct. Cl.	Contract-Indemnity Clause
<u>Bachman, et al. v. Miller, et al., 567 F. Supp. 317 (1983)</u>	\$40-\$135	Title VII/ Race
<u>Laffey, et al. v. Northwest Airlines, Inc., 572 F. Supp. 354 (1983) Order correcting fee opinion 8/4/83</u>	\$75-\$175	Title VII
<u>Arnold v. Commerce, No. 81-1968 (D.D.C. 1983)</u>	\$90-\$110	Title VII/ Race
<u>Impro Products, Inc. v. Block, 569 F. Supp. 1389 (1983)</u>	\$23-\$83	EAJA
<u>Commonwealth of Puerto Rico v. Heokler, No. 82-2695 (D.D.C. 1983)</u>	Not based on hourly rate (awarded \$12,500)	Other
<u>Blitz v. Donovan, No. 82-0706 (D.D.C. 1983)</u>	\$75	EAJA
<u>Environmental Defense Fund, Inc. v. EPA, et al., No. 82-1346 (D.C. Cir. 1983)</u>	Not based on hourly rate (\$6,102.19)	EAJA
<u>Wolfe v. Department of Health and Human Services, No. 80-1753 (D.D.C. 1983)</u>	\$3315 (63.5 hrs.)	FOIA

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TYPE</u>
<u>Turgeon v. Howard University,</u> No. 81-2973 (D.D.C. 1983), 33 FEP 389	\$95-\$150	Title VII
<u>O'Brien v. Love, et al.,</u> No. 81-1120 (D.D.C. 1983)	\$65 (attorney was held personally)	Discovery Sanctions/ Nongovt.
<u>Krodel v. Young,</u> 576 F. Supp. 390 (1983)	\$65-\$80	ADEA
<u>Donovan v. Goldstein, et al.,</u> No. 83-0940; <u>Crawford, et al. v.</u> <u>La Boucherie Bernard, Ltd.,</u> <u>et al.,</u> No. 83-0780 (D.D.C. 1984) (Interim Award of Fees)	\$75 for all attorneys and law clerks, irrespective of experience or skill.	Other
<u>Arrington, et al. v. National</u> <u>Broadcasting Company, Inc.,</u> No. 81-2019 (D.D.C. 1984)	\$110 attorney \$30 paralegal (certified legal assistant and law student)	Other Nongov't (labor law)
<u>Rhinehart, et al. v. Bureau</u> <u>of Indian Affairs, et al.,</u> No. 78-2472 (D.D.C. 1984)	\$8,000 (ct. reduced requested fee award-- \$20,741.25 for failure to document hours)	EAJA
<u>American Academy of Pediatrics,</u> <u>et al. v. Heckler</u> 580 F. Supp. 436 (1984)	\$75 \$10 paralegal/ Law clerk	EAJA
<u>Ashton, et al. v. Pierce,</u> <u>et al.,</u> 580 F. Supp. 440 (1984)	\$9-\$11 paralegal/Law clerk \$48,500 Dct. work \$24,000 court of appeals work (reduced total # of hrs. expended)	EAJA
<u>Parker v. Boorstin, No.</u> 82-3513 (D.D.C. 1984) (fees awarded to govt.)	\$1,001.231	Title VII
<u>Parker v. Boorstein, No. 82-3102</u> (D.D.C. 1984) (fees awarded to govt.)	\$745.15	Title VII

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TITLE</u>
<u>Garber, et al v. Randell,</u> No. 2405-72, 2406-72; <u>Natale v. Randell, No. 2407-72</u> (D.D.C. 1984)	\$5,657,006.37	Other/ Class action (Securities fraud)
<u>Planells v. Howard University,</u> No. 81-2973 (D.D.C. 1984)	\$75-\$105 \$40 (law clerks)	Title VII
<u>Carter v. Duncan-Huggins, Ltd.,</u> No. 81-0546 (D.D.C. 1984)	\$85 Trial Preparation \$125 Trial	Title VII Nongovt.
<u>Ahrens v. OPM, No. 81-0338</u> (D.D.C. 1984)	\$4,805 Attorney & Paralegal time \$1,125 Supp. App. for fees & expenses	EAJA
<u>Thompson v. Sawyer,</u> No. 74-1101 35 FEP 1327 (1984) (fees against unsuccessful intervenor)	\$60-\$150 \$45-lawclerk	Title VII Nongovt.
<u>Kay v. Fowler, et al.,</u> NO. 83-1876 (D.D.C. 1984)	\$75 \$30 lawclerk	Other/ Nongovt.
<u>Connolly v. Heckler, No. 82-2917</u> (D.D.C. 1984)	\$75	EAJA
<u>Freeman v. Dole, et al.,</u> No. 76-1587 (D.D.C. 1984)	\$125 partner \$85 associate \$35 Senior law clerk \$25 Junior law clerk \$15 paralegal	Title VII
<u>Wichita and Affiliated Tribes</u> <u>of Oklahoma v. Clark, et al.,</u> No. 83-0602 (D.D.C. 1984)	\$90-\$125	Other/ Sanctions
<u>Hawkins v. Dolphin and Evans</u> <u>Title Insurance Agency, Inc.,</u> No. 83-2254 (D.D.C. 1984)	\$100	Other
<u>Natural Resources Defense</u> <u>Council, et al. v. EPA, Nos.</u> 75-1698, 2153-73, 75-1267, 75-172 (D.D.C. 1984)	\$40-\$100	Other

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>CASE TITLE</u>
Carter v. Duncan - Huggins Ltd., No. 81-0546 (D.D.C. 1984) (See other opinion dated 4/19/84 re fees for counsel's pretrial and trial work)	\$85 Post-trial and appellate \$125 appellate oral argument	Title VII/ Race
Schmid v. Frosch, No. 80-0097 (D.D.C. 1984)	\$75-\$125	ADEA

NOTE: An asterisk next to the title indicates that a copy of the opinion is not among those that are available in the Attorneys' Fees' Award Opinion File located in Margaret Frost's office.

ATTORNEY FEE AWARDS AGAINST STATE AND MUNICIPAL GOVERNMENTS

1977 - 1983

\$25 - \$45 Per Hour

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
A. State Defendants			
1. <u>Robert M. W. Benton,</u> 671 F.2d 1154 (8th Cir. 1982)	\$30	§1988	Legal Services Corp. of Iowa
2. <u>Wendy W. Adreyn,</u> 431 F. Supp. 881 (N.D. Ohio 1979)	\$30	§ 1988	Advocates for Basic Legal Equity
3. <u>Arkansas Communist Organizations v. Arkansas State Board,</u> 408 F. Supp. 1254 (E.D. Ark. 1979)	\$35	§ 1988	private counsel
4. <u>Garner v. Iowa State Pen's Reformatory,</u> 486 F. Supp. 367 (N.D. Iowa 1979)	\$35	Title VII and § 1988	Iowa Civil Liberties Union
5. <u>Wisconsin Socialist Workers v. McClann,</u> 460 F. Supp. 1054 (E.D. Wis. 1978)	\$45	§ 1988	Wisconsin Civil Liberties Union Foundation
6. <u>Gursle v. Wilson,</u> 635 F.2d 782 (10th Cir. 1980)	\$33	§ 1988	ACLU Foundation of Colorado, Inc.
7. <u>Corpus v. Estelle,</u> 605 F.2d 175 (5th Cir. 1979), cert. denied, 445 U.S. 919 (1980)	\$25-30 (2nd attorney)	§ 1988	private counsel
8. <u>Loney v. Scurt,</u> 494 F. Supp. 925 (S.D. Iowa 1980)	\$20-50	§ 1988	Prisoner Assistance Clinic and law students
9. <u>Game v. Maher,</u> 455 F. Supp. 1344 (D. Conn. 1978)	\$45	§ 1988	Legal Aid Society of Hartford County
10. <u>Thom v. Adreyn,</u> 455 F. Supp. 1 (N.D. Ohio 1977)	\$30	§ 1988	Advocates for Basic Legal Equity

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
B. Municipal Defendants			
1. <u>HARDY W. POTTER, 613 F.2d 111 (5th Cir. 1980)</u>	\$40	title VII	private counsel
2. <u>CRAIN V. CITY OF MOUNTAIN HOME, 611 F.2d 726 (5th Cir. 1979)</u>	\$40	\$ 1983	private firm
3. <u>BARRATT V. KALINOWSKI, 456 F. Supp. 559 (W.D. Pa. 1978)</u>	\$30-40	\$ 1983	Northern Pennsylv- ania Legal Services, Inc.
4. <u>DAVID V. CITY OF SOPHON, 633 F.2d 676 (5th Cir. 1980)</u>	\$40	not reported	Northern Pennsylv- ania Legal Services, Inc.
5. <u>WALKINS V. MOBILE HOUSING BOARD, 632 F.2d 365 (5th Cir. 1980)</u>	\$45	\$ 1983	Legal Services Corp. of Alabama
6. <u>CENTRAL V. WICKERS, 534 F. Supp. 313 (N.D. Miss. 1981)</u>	\$40-50 (associates)	\$ 1986	private counsel
7. <u>WILLET V. CHESTER WATER AUTHORITY, 41 F. Supp. 967 (E.D. Pa. 1978)</u>	\$30-50	\$ 1998	Delaware County Legal Assistance Association

II. \$50 - \$70 Per Hour

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
A. State Defendants			
1. <u>Alexander v. Hill</u> , 553 F. Supp. 1263 (W.D.N.C. 1983)	\$68.30 (senior para- legal with bonus)	§ 1988	North Carolina Legal Services
2. <u>Knichson v. Watkins</u> , 615 F.2d 795 (5th Cir. 1980)	\$50	§ 1988	private counsel
3. <u>McCann v. Coughlin</u> , 698 F.2d 111 (5th Cir. 1982)	\$60	§ 1988	Cravath, Swaine & Moore
4. <u>Brewster v. Dukakis</u> , 544 F. Supp. 1069 (D. Mass. 1982)	\$66-88 (with 10% bonus)	§ 1988	Western Mass. Legal Services
5. <u>Ruiz v. Escelle</u> , No. H-78-985-CA (S.D. Tex. Nov. 17, 1982)	\$70	§ 1988	private firm
6. <u>Dietrich, v. Miller</u> , 494 F. Supp. 42 (N.D. Ill. 1980)	\$40-65	§ 1988	Legal Assistance Foundation of Chicago
7. <u>Custom v. Guern</u> , 482 F. Supp. 1000 (N.D. Ill. 1980)	\$45-50	§ 1988	Legal Assistance Foundation of Chicago
8. <u>Battle v. Anderson</u> , 614 F.2d 251 (10th Cir. 1980)	\$60	§ 1988	ACLU of Oklahoma
9. <u>Ladies Center v. Thone</u> , 645 F.2d 645 (8th Cir. 1981)	\$55-75	§ 1988	private counsel
10. <u>McCormick v. Edwards</u> , 479 F. Supp. 295 (M.D. La. 1979)	\$50	§ 1988	private counsel
11. <u>Burchett v. Bower</u> , 470 F. Supp. 1170 (D. Ariz. 1979)	\$40-50	§ 1988	private firm

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
12. <u>Weiserberger v. Huecker</u> , 593 F.2d 49 (6th Cir. 1979)	\$50	\$ 1988	Legal Aid Society of Louisville, Inc.
13. <u>Smith v. University of North Carolina</u> , 19 EPD 9040 (M.D.N.C. 1979)	\$50	Title VII	private counsel
14. <u>Lund v. Affleck</u> , 442 F. Supp. 1109 (D.P.I. 1977), <u>aff'd</u> , 587 F.2d 75 (1st Cir. 1978)	\$55	\$ 1988	Rhode Island Legal Services
15. <u>Adams v. Mathis</u> , 458 F. Supp. 302 (M.D. Ala. 1978) */	\$50	\$ 1988	court appointed private counsel
16. <u>Suzuki v. Yuen</u> , 507 F. Supp. 819 (D. Hawaii 1981)	\$40-75	\$ 1988	private firm
17. <u>Scout v. Southworth</u> , 584 F.2d 609 (1st Cir. 1977)	\$60	\$ 1988	private counsel

B. Municipal Defendants

1. <u>Williams v. Thomas</u> , 692 F.2d 1032 (5th Cir. 1982)	\$50	\$ 1988	pro se; court appointed private firm for appeal
2. <u>Thomas v. Board of Education</u> , 505 F. Supp. 102 (N.D.N.Y. 1981)	\$40-50	\$ 1988	New York Civil Liberties Union
3. <u>Robinson v. Moreland</u> , 655 F.2d 887 (8th Cir. 1981)	\$40-60	\$ 1988	private firm
4. <u>McPherson v. School District</u> , 465 F. Supp. 749 (S.D. Ill. 1979)	\$50-70	\$ 1988	private counsel
5. <u>Adams v. Mathis</u> , 458 F. Supp. 302 (M.D. Ala. 1978) */	\$50	\$ 1988	court appointed private counsel
6. <u>Holy Spirit v. Cauchy</u> , 455 F. Supp. 1154 (M.D. Pa. 1978)	\$55	\$ 1988	private counsel

*/ Note that this case involved both state and municipal government defendants, and is listed accordingly in both sections.

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
7. <u>Cantrell v. Vickers</u> , 524 F. Supp. 312 (N.D. Miss. 1981)	\$50-75 (lead counsel)	\$ 1988	private counsel
8. <u>Miller v. Carson</u> , 401 F. Supp. 935 (M.D. Fla. 1975), <u>aff'd</u> , 563 F.2d 741 (5th Cir. 1977)	\$40-60	\$ 1988	court appointed private counsel
9. <u>Massachusetts Fair Share v. McKeefe</u> , 476 F. Supp. 294 (D. Mass. 1979)	\$50-65	\$ 1988	private counsel

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
A. State Defendants			
1. <u>Mader v. Crowell</u> , 506 F. Supp. 484 (M.D. Tenn. 1981)	\$75	§ 1983 and Title VII	private firm
2. <u>Imprisoned Citizens v. Shapp</u> , 473 F. Supp. 1017 (E.D. Pa. 1979)	\$57.50-103.50 (with 15% bonus)	§ 1983	private firm
3. <u>Puch v. Rainwater</u> , 465 F. Supp. 41 (S.D. Fla. 1979)	\$90	§ 1988	Legal Services of Greater Miami/ law professor
4. <u>Strama v. Peterson</u> , 689 F.2d 661 (7th Cir. 1982)	\$80 (lead counsel)	§ 1988	private firm
5. <u>Poss v. Saltmarsh</u> , 501 F. Supp. 753 (S.D.N.Y. 1981), <u>aff'd mem.</u> , 688 F.2d 316 (2d Cir. 1982)	\$50-93.75 (includes 25% bonus)	§ 1983	Children's Defense Fund and Mid-Hudson Valley Legal Services
6. <u>Corpus v. Estelle</u> , 605 F.2d 175 (5th Cir. 1979), <u>cert. denied</u> , 445 U.S. 919 (1980)	\$75-90 (lead counsel)	§ 1983 *	private firm
7. <u>Stenson v. Blum</u> , 512 F. Supp. 680 (S.D. N.Y.), <u>aff'd mem.</u> , 671 F.2d 493 (2d Cir. 1981), <u>cert. granted</u> , 103 S. Ct. 2426 (1983)	\$95	§ 1988	Legal Aid Society
8. <u>Swift v. Blum</u> , 502 F. Supp. 1140 (S.D.N.Y. 1980)	\$75-100	§ 1988	West Chester Legal Services, Inc.
9. <u>Becker v. Blum</u> , 467 F. Supp. 873 (S.D.N.Y. 1980)	\$75-90	§ 1988	Mid-Hudson Legal Services, Inc. and Greater Upstate Law Project
10. <u>Palmigiano v. Garrahy</u> , 466 F. Supp. 732 (D.R.I. 1979), <u>aff'd</u> , 616 F.2d 598 (1st Cir.), <u>cert. denied</u> , 449 U.S. 839 (1980)	\$70-80	§ 1983	ACLU National Prison Project

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
11. <u>Morrow v. Finch</u> , 642 F.2d 523 (5th Cir. 1981)	\$75	§ 1988	Lawyers' Committee for Civil Rights Under Law
12. <u>Alexander v. Hill</u> , 553 F. Supp. 1263 (W.D.N.C. 1983)	\$81.96 (includes bonus)	§1988	North Carolina Legal Services

B. Municipal Defendants

1. <u>Pittman v. Board of Education</u> , No. Civ. 78-735-JB (D.N.M. 1980)	\$50-80	§ 1988	private firm
2. <u>Bryant v. City of Marianna</u> , 532 F. Supp. 133 (N.D. Fla. 1982)	\$75	Fed. R. Civ. P. 37	private firm
3. <u>Langdon v. Drew Municipal Separate School District</u> , 512 F. Supp. 1131 (N.D. Miss. 1981)	\$75 (lead counsel) \$60 (co-counsel)	§ 1988	private firm
4. <u>Schwabenbauer v. Board of Education</u> , 615 F. Supp. 33 (W.D.N.Y. 1981), vacated, 677 F.2d 305 (2d Cir. 1981)	\$75	Title VII	New York State United Teachers
5. <u>Norcross v. Board of Education</u> , 611 F.2d 524 (6th Cir. 1979)	\$82.50 (lead counsel office time)	§ 1988	NAACP Legal Defense Fund and private counsel
6. <u>Holy Spirit Association v. Peterson</u> , 489 F. Supp. 428 (N.D. Ill. 1979)	\$75	§ 1988	private firm

V. \$100 And Above Per Hour

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
A. State Defendants			
1. <u>Morrow v. Finch</u> , 642 F.2d 823 (5th Cir. 1981)	\$100 (lead counsel)	§ 1988	Lawyers Committee for Civil Rights Under Law
2. <u>Ruiz v. Estelle</u> , No. H-78-987-CA (S.D. Tex. Nov. 17, 1982)	\$75-150	§ 1988	private firm
3. <u>Parender v. University of Minnesota</u> , 546 F. Supp. 158 (D. Minn. 1982)	\$125-375 (with 200% bonus)	Title VII	private firm
4. <u>Palila v. Hawaii Department of Land and Natural Resources</u> , 512 F. Supp. 1006 (D. Hawaii 1981)	\$75-110	Endangered Species Act	Sierra Club & private firm
5. <u>Bolden v. Pennsylvania State Police</u> , 491 F. Supp. 958 (E.D. Pa. 1980)	\$90-180 (with 50% bonus)	§ 1988	Community Legal Services
6. <u>Stenson v. Blum</u> , 512 F. Supp. 880 (S.D.N.Y.), <u>aff'd mem.</u> , 671 F.2d 493 (2d Cir. 1981), <u>cert. granted</u> , 103 S. Ct. 2426 (1983)	\$142.50-157 (with 50% bonus)	§ 1988	N.Y. Legal Aid Society
7. <u>Alexander v. Hill</u> , 553 F. Supp. 1263 (W.D.N.C. 1983)	\$102.45 (includes bonus)	§ 1988	North Carolina Legal Services
8. <u>Poss v. Saltmarsh</u> , 521 F. Supp. 753 (S.D.N.Y. 1981), <u>aff'd mem.</u> , 688 F.2d 816 (2d Cir. 1982)	\$100-112.50 (includes 25% bonus)	§ 1988	Children's Defense Fund and Mid-Hudson Valley Legal Services

B. Municipal Defendants

1. <u>Selzer v. Berkowitz</u> , 477 F. Supp. 686 (E.D. N.Y. 1979)	\$125 (partners)	§ 1988	Donavan, Leisure
2. <u>Neely v. City of Grenada</u> , 77 F.R.D. 484 (N.D. Miss. 1978), <u>vacated</u> , 624 F.2d 547 (5th Cir. 1980)	\$100 (lead counsel)	§ 1988	private counsel

<u>Case</u>	<u>Hourly Rate</u>	<u>Statute</u>	<u>Counsel</u>
3. <u>Farris v. Cox</u> , 508 F. Supp. 222 (N.D. Cal. 1981)	\$70-100	§ 1988	Redwood Legal Assistance and S.F. Neighborhood Leg. Assistance Foundation
4. <u>Northcross v. Board of Education of Memphis</u> , 611 F.2d 624 (6th Cir. 1979), cert. denied., 447 U.S. 911 (1980)	\$137.50 (lead counsel trial time)	§ 1988	NAACP Legal Defense Fund and private counsel
5. <u>Gantreaux v. Landrieu</u> , 523 F. Supp. 684 (N.D. Ill. 1981), aff'd, 690 F.2d 601 (7th Cir. 1982), cert. denied, 103 S. Ct. 2438 (1983) */	\$125	§ 1988	Illinois ACLU

*/ This case involved the federal government as a defendant, however, all fees were awarded against and paid by the Chicago Housing Authority.