

MINUTE ENTRY
McNAMARA, J.
JANUARY 10, 1994

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
JAN 11 9 29 AM '94
LORRETTA M. WHITE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GARY W., ET AL * CIVIL ACTION
VERSUS * NO. 74-2412
STATE OF LOUISIANA, ET AL * SECTION "D"

Before the court is the Plaintiffs' Motion for Award of Attorneys' Fees. The State of Louisiana opposes the motion, which is before the court on written briefs without oral argument.

Having considered the memoranda of counsel, attachments thereto, and the applicable law, the court finds that Plaintiffs are entitled to an award of reasonable attorney's fees and costs under 42 U.S.C. § 1988, but the court disagrees with the amounts sought by Plaintiffs. Plaintiffs seek a total award of \$296,537.98 for attorneys' fees and costs incurred over portions of the past three years, and this total amount is broken down as follows:

Attorneys' Fees

1,314.50 hours x \$200.00/hour = \$262,900.00

Paralegal Fees

657.30 hours x \$35.00/hour = \$23,005.50

Expenses

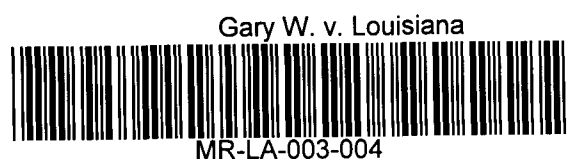
\$10,632.48

TOTAL

\$262,900.00 + \$23,005.50 + \$10,632.48 = ~~\$296,537.98~~

(See Plaintiffs' Original Memorandum, p. 12).

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The court concludes that the total amount to be reasonably awarded is \$180,400.65 because:

(1) The court finds that, for Attorneys Smith, Kellogg, and Mickenberg, \$175.00 per hour is the prevailing rate in the community for similar services by lawyers of reasonably comparable skill, experience and reputation. See, Associated Builders & Contractors of Louisiana, Inc. v. Orleans Parish School Board, 919 F.2d 374 (5th Cir.1990) (affirming award of \$175/hour and \$165/hour in civil rights case); Affidavit of Patricia Nalley Bowers, Defendant's Exhibit Y (\$150/hour for local civil rights attorneys with 15-20 years of experience); Declaration of Terry E. Allbritton, Plaintiff's Exhibit G attached to Reply Memo. (\$160/hour for Professor of Clinical Law, Tulane University); and Affidavit of M. David Gelfand, Plaintiff's Exhibit H attached to Reply Memo. (\$250-265/hour for full tenured Professor of Law, Tulane University).

(2) Plaintiffs' Fee Request contains hours that are duplicative, unproductive, excessive, inadequately described, or otherwise unnecessary and unreasonable. In short, this case was over-lawyered. Therefore, pursuant to Hensley v. Eckerhart, 461 U.S. 424, 434-35, 103 S.Ct. 1933, 1939-40, 76 L.Ed.2d 40 (1983), the court reduces the hours as follows:

(a) The total 115.4 hours listed for Attorney Smith's preparation for and participation in "Second Level Review" is reduced by 50% or by 57.7 hours;

incurred between January and February, 1992 as a result of his preparation of the Comprehensive Class Member Report is reduced by 50% or by \$1,965.83;

(b) Attorney Kellogg's expenses of \$732.50 incurred for "secretarial time" is reduced by 50% or by \$366.35.

(4) Accordingly, Plaintiffs are entitled to a total award of \$180,400.65 in attorneys fees and costs and this total is broken down as follows:

Attorneys' Fees

[1314.50 - (57.7 + 270.7 + 50 + 18.4)]hours x \$175.00/hour =
(1314.50 - 396.8)hours x \$175.00/hour =
917.7 hours x \$175.00/hour = \$160,597.50

Paralegal Fees

(657.30 - 328.65)hours x \$35.00/hour =
328.65 hours x \$35.00/hour = \$11,502.75

Expenses

\$10,632.48 - (\$1,965.83 + \$366.25) =
\$10,632.48 - \$2,332.08 = \$8,300.40

TOTAL

\$160,597.50 + \$11,502.75 + \$8,300.40 = \$180,400.65

(5) The Fifth Circuit has adopted the "lodestar" method of calculating attorney's fees, i.e., the number of hours reasonably

Original

Nancy Ebbs
Children's Defense Fund
122 "C" Street, N.W.
Washington, D.C. 20001

Dept. of Health & Hospitals
Gary W. Project Office
P.O. Box 3518
Baton Rouge, LA. 70821

Gene Knecht
242 Main, Room 200
Baton Rouge, LA. 70801

Bill Rittenberg
127 Camp St.
New Orleans, LA. 70130

Andrew Barrick
U.S. Dept. of Justice
HOLC Building, Rm. 970A
Washington, D.C. 20530

Paul Lawrence
HOLC Building, Rm. 970A
320 First St., N.W.
Washington, D.C. 20530

O. Whitman Smith
95 College St.
Burlington, VT. 05401

R. James Kellogg
210 Caronne St., Ste. 1320
New Orleans, LA. 70112

Marjorie O'Connor
P.O. Box 3768
Lafayette, LA. 70502

Neil Mickenberg
P.O. Box 406
Burlington, VT. 05402-0406

Steven L. Mayer
Dept. of Social Services
P.O. Box 1887
Baton Rouge, LA. 70821

Marty Gibson
State of Louisiana DSE-OCS
P.O. Box 44367
Baton Rouge, LA. 70804

Maudelle W. Davis-Cade
1440 Canal, Ste. 1619
New Orleans, LA. 70112

Shannan Sweeney Rieger
9th Floor, One American Pl.
Baton Rouge, LA. 70825