

5/11/99
10:55 AM

FILED 110

MAY 11 1999

Hill Wallack
202 Carnegie Center
Princeton, NJ 08543
609-924-0808
By: T. Gary Mitchell (0634)
Attorney for Plaintiffs

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

ESSEX COUNTY JAIL ANNEX
INMATES, et als.,

Plaintiffs,

v.

JAMES TREFFINGER, County
Executive, and WILLIAM H. FAUVER,
Commissioner, et als.,

Defendants.

) UNITED STATES DISTRICT COURT
) FOR THE DISTRICT OF NEW JERSEY
)
) CIVIL NO. 87-871 (HAA)
) Hon. Harold A. Ackerman, U.S.D.J.
)
) Frederic K. Becker, Special Master
) Bennet D. Zurofsky, Special Master

ESSEX COUNTY JAIL INMATES, et
als.,

Plaintiffs,

v.

JAMES TREFFINGER, County
Executive, and WILLIAM H. FAUVER,
Commissioner, et als.

Defendants.

)
) CIVIL NO. 82-1945 (HAA)
) Hon. Harold A. Ackerman, U.S.D.J.
)
) Frederic K. Becker, Special Master
) Bennet D. Zurofsky, Special Master

ENTERED
ON
THE DOCKET
ON 5-11-99
WILLIAM T. WALSH, CLERK
By [Signature]
(Diversity Clerk)

ORDER ON ATTORNEYS FEES

WHEREAS, it is hereby stipulated and agreed on behalf of plaintiffs and the Essex County defendants in the above consolidated matters, as follows:

(1) Plaintiffs' counsel is entitled to an award of attorney fees for legal services provided on behalf of the plaintiff classes in this matter, including legal services rendered in connection with or related to the monitoring of defendants' compliance with the District Court's orders, and

(2) The parties desire to establish an economical system to provide for plaintiffs' counsel's submission of fees and costs on a regular, ongoing basis, and for the prompt payment thereof, in order to avoid the expense and time consuming process of formal attorney fee applications, and,

(3) The parties desire to establish a process for the lodging of any objections by defendants to plaintiffs' counsel's billings for fees and costs, as well as a process for the appeal by plaintiffs' counsel to any of defendants' objections, and

(4) This Order is the product of a knowing and voluntary compromise in which plaintiffs and their undersigned counsel hereby waive entitlement to payment of their attorney fees at prevailing market rates, and defendants waive application to this matter of any future court ruling holding that the attorney fee provisions of the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(d), may apply to cap the hourly rate that plaintiffs' attorneys may be awarded in this matter, and for good cause shown,

IT IS HEREBY ORDERED that:

1. Plaintiffs in this matter shall be entitled to payment of attorney fees by the County defendants at the rate of \$125 per hour for legal services rendered by T. Gary Mitchell, Esq. or another partner level attorney serving as counsel for the plaintiff classes, at the rate of \$100 per hour for legal services rendered by an associate level attorney assisting as counsel for the plaintiff classes, and at the rate of \$75 per hour for services rendered by a paralegal assisting counsel for the plaintiff classes.

2. Billings for such fees and for costs in connection with this matter shall be submitted on a monthly basis or on whatever other schedule shall be mutually agreed to by plaintiffs' counsel and the County defendants. The County defendants shall have 30 days in which to contest the amount of the billing, and shall make payment within no later than 60 days

after receipt of the billing, less any amount of the billing which may be contested.

3. Plaintiffs' counsel may appeal to the Special Masters or to the Court for an Order to resolve any contested portion of the billing which has not been paid within 60 days of the receipt of such billing by the County defendants. Plaintiffs' counsel and the County defendants shall make a good faith effort within this 60 day period to resolve informally any fee dispute before submitting it to the Special Masters or the Court as an appeal.

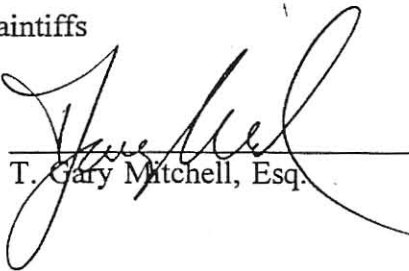
4. Plaintiffs' counsel shall be entitled to an award of fees and costs incurred in making such an appeal on a contested billing only to the extent that the Special Masters or the Court directs further payment to be made to plaintiffs' counsel for a portion of the contested part of the billing on which payment had been refused.

The undersigned hereby consent to the form and substance of the above Order:

For Plaintiffs

Dated: April 1, 1999

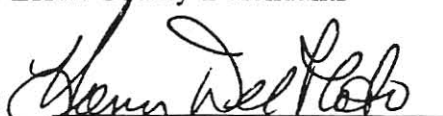
By:


T. Gary Mitchell, Esq.

For Essex County Defendants


Dated: March 30, 1999

By:


Harry Del Plato, Esq.
Assistant County Counsel

SO ORDERED:

Dated: May 10, 1999


HAROLD A. ACKERMAN, U.S.D.J.