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Hon. Robert J. Bryan

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JAMES HORTON, et al., on)
behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
)
v.)
)
BOB WILLIAMS, et al.,)
)
Defendants.)

No. C94-5428 RJB

AFFIDAVIT OF KATRIN E. FRANK IN
SUPPORT OF INTERIM APPLICATION
FOR ATTORNEY FEES AND COSTS

STATE OF WASHINGTON)
) ss.
County of King)

KATRIN E. FRANK, being first duly sworn on oath, states as follows:

1. I am one of the attorneys for Plaintiffs herein. I have personal knowledge of the facts herein stated and am competent to testify to the same.

2. I have been a member of the Washington State Bar since 1984. I graduated from the University of Puget Sound Law School

AFFIDAVIT OF FRANK IN SUPPORT OF
INTERIM APPLICATION FOR FEES AND COSTS - 1

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(206) 622-1604

1 in 1984 and clerked for the Hon. Robert F. Utter of the Washington
2 State Supreme Court from 1984 to 1985. I have been a Director of
3 the law firm of MacDonald, Hoague & Bayless in Seattle, Washing-
4 ton, since 1989, and have worked at MacDonald, Hoague & Bayless
5 since 1985.

6 3. My practice involves civil litigation in the areas of
7 civil rights, employment discrimination, personal injury, and im-
8 migration law.

9 4. I am a member of the Washington State Bar and am admit-
10 ted to practice before the Ninth Circuit Court of Appeals. I have
11 spoken at CLEs in Washington, have served on the King County Bar
12 Association Board of Trustees, and am currently a member of the
13 WPI Subcommittee on Employment Law.

14 5. From 1976 to 1981 I was the Coordinator of the Abused
15 Women Project of Evergreen Legal Services, a project which focused
16 on civil and criminal options for victims of family violence.

17 6. Between 1989 and 1993 I was co-counsel with Timothy K.
18 Ford in Jordan v. Gardner, 986 F.2d 1521 (9th Cir. 1993), a class
19 action lawsuit to stop male guards from body-searching female in-
20 mates at the Washington Correction Center for Women ("WCCW").
21 That litigation involved a trial, an appeal to the Ninth Circuit
22 and an en banc review. Plaintiffs prevailed at trial and en banc.

1 7. Since 1993 I have been co-counsel in Hallett v. Payne,
2 W.D. Wash. No. C93-5496(T)(D), a class action claim on behalf of
3 prisoners at WCCW for inadequate medical care in violation of the
4 Eighth Amendment. The case settled with entry of a consent
5 decree.

6 8. Since 1989 the majority of my practice has involved ci-
7 vil rights litigation, including prison, police misconduct, and
8 employment discrimination cases.

9 9. Attached as Exhibit A is a copy of my billing records in
10 Horton v. Williams.

11 10. I spent 86.40 hours on the Horton case as of July 31,
12 1996.

13 11. My participation in the Horton litigation has consisted
14 primarily of taking depositions, developing mediation options, de-
15 veloping litigation strategy, meeting with expert witnesses, and
16 involvement in settlement discussions and negotiations.

17 12. As can be seen by the claim for relief and the Stipula-
18 tions and Judgments, Plaintiffs were prevailing parties and are
19 entitled to fees.

20 13. My time and expense records were compiled as follows.
21 Each case in our office is assigned a case number. Each time-
22 keeper who works on the case records his or her time on a daily
23 basis by timekeeper name, case name, case number, description of
24 work done, and time spent. The information is then entered by a
25

AFFIDAVIT OF FRANK IN SUPPORT OF
INTERIM APPLICATION FOR FEES AND COSTS - 3

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1 legal assistant into a computerized ledger which contains a record
2 of all work done and time and money spent on the case.

3 14. Exhibit A is the computer ledger printout of the dates,
4 activities, and time spent each day from the day the case came in-
5 to the office to the present. The internal case number is 5437-1.
6 The description of the work done on each of those days is general.
7 Every activity is not necessarily entered.¹ Expenses billed to
8 the case are entered as they are paid.

9 15. In both hourly and contingent cases MacDonald, Hoague &
10 Bayless charges for travel time to and from depositions and court.

11 16. Costs for long distance telephone calls, fax, photo-
12 copying, and computer research total \$50.22. MacDonald, Hoague &
13 Bayless charges clients photocopying costs of 10¢ per page, which
14 is below the prevailing rate in the community. Our fee for fac-
15 simile charges is \$1 per page for outgoing faxes, and no charge
16
17

18 ¹ The actual computer ledger printout is a chronological
19 listing of all timekeeper activities, expenses, and payments or
20 adjustments. "TMK" stands for timekeeper and below are my ini-
21 tials, KEF. Next is the amount of time I spent that day on the
22 case. The column titled "amount" reflects the amount of time
23 billed. Because this is a contingent matter, no fee was billed
24 for my time on a daily basis, hence the entries "0.00." Where
25 costs were incurred there is a "C" between my initials. The
amount of the cost is reflected in the first of the two numerical
columns on the right side of the page and the cumulative costs to
date are reflected in the last column. Page five includes, under
"Fee Breakdown," a summary of all time spent on the case, and
under "Cost Breakdown," the costs incurred are itemized by
category.

1 for incoming faxes. We charge for long distance phone calls the
2 amount charged to the firm for the call.

3 17. My standard rate for civil rights matters has been \$200
4 an hour for the past two years. It is the rate I bill hourly cli-
5 ents and is the rate I seek in other fee applications. I believe
6 it is a reasonable rate based on my experience and the standards
7 in the community.

8 18. Timothy K. Ford is a partner at the law firm of
9 MacDonald, Hoague & Bayless. Mr. Ford has extensive experience
10 nationwide as a litigator in death penalty cases and is considered
11 one of the leading prisoner rights litigators in Washington.
12 Mr. Ford consulted about mediation options and strategies. His
13 hourly rate is \$240.


14 19. Based on the records of time spent and costs incurred we
15 ask the court to award MacDonald, Hoague & Bayless \$17,280 for
16 time spent by Katrin E. Frank, \$192 for time spent by Timothy K.
17 Ford, and \$50.22 for costs incurred, for a total of \$17,522.22.

18 

19 Katrin E. Frank

20 Signed and sworn to (or affirmed) before me on August 22,
21 1996, by Katrin E. Frank.



26 
27 Mary E. Klein
28 Notary Public in and for the
29 State of Washington
30 My app't expires 3/28/98

AFFIDAVIT OF FRANK IN SUPPORT OF
INTERIM APPLICATION FOR FEES AND COSTS - 5

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