

1995 WL 33706

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United States District Court, E.D. Louisiana.

Larry WILLIAMS, et al.  
v.  
The CITY OF NEW ORLEANS, et al.

Civ. A. No. 73-926.  
|  
Jan. 27, 1995.

*MEMORANDUM AND ORDER*

SEAR, Chief Judge.

*I) Background*

\*1 Larry Williams and twelve other black plaintiffs, all New Orleans police officers or applicants to the police force, brought this action on March 9, 1973 seeking redress for alleged employment discrimination by the defendants, the City of New Orleans (the "City"), the New Orleans Civil Service Commission (the "CSC"), and various City and CSC officials. Plaintiffs asserted that the defendants violated Title VII of the Civil Rights Act of 1866, 42 U.S.C. § 2000e et seq., the Civil Rights Act of 1866, 42 U.S.C. 1981, and the Thirteenth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983. A plaintiff class was certified on March 26, 1976, defined as (1) all black persons who have applied for but were denied employment as patrolmen in the New Orleans Police Department and (2) all black persons, presently or formerly police officers, who were subjected to racially discriminatory practices in assignments, promotions, discipline, and general treatment by their superiors and other employees.

This case has had a long and complicated past. Virtually

nothing beyond class certification occurred between March 1973 and July 1980. A trial date of August 28, 1978 was set. As this date approached, plaintiffs' counsel, Michael Bagneris and Charles Cotton, failed to comply with various Court orders. They failed to attend a settlement conference on July 24, 1978. Cotton, the trial attorney, failed to attend the pre-trial conference on August 15, 1978, and failed to prepare a pre-trial order as ordered by the Court. Although plaintiffs were granted an extension until August 18, 1978 to file the order, none was submitted nor was the Court contacted. As a result of plaintiff's failure to prosecute their claims and comply with Court orders, I dismissed the action and decertified the class on August 24, 1978. Plaintiffs sought to appeal that decision to the United States Fifth Circuit Court of Appeals, but the appeal was dismissed as untimely.

On November 8, 1978 I reopened the case and reinstated the individual claims. However, I refused to recertify the class because I perceived that absent class members would not receive adequate representation. No further action was taken in the case until July 30, 1980.

On July 30, 1980 I recertified the class after receiving assurance from plaintiff's new counsel, O. Peter Sherwood of the NAACP Legal Defense and Education Fund ("the LDF"), that he would personally and vigorously pursue plaintiffs' claims.<sup>1</sup> Ronald Wilson was substituted as local counsel on August 15, 1980, in place of Cotton and Bagneris.

After Sherwood became counsel of record, a new trial date was set and settlement negotiations were conducted. On October 13, 1981, the day trial was set to begin and after the case was called, the parties informed me that they had reached tentative agreement on all of the issues in the case. A consent decree incorporating the agreement was filed into the record on January 26, 1982. An extensive four day fairness hearing was held on March 8 and April 5, 6, and 8, 1982, during which various intervenors opposing the decree were allowed limited participation. Intervenors included white, Hispanic, and female police officers, all of whom opposed the decree on the grounds that it unfairly limited their opportunity for advancement in the New Orleans Police Department ("NOPD").

\*2 The proposed decree included various provisions intended to foster employment and advancement in the NOPD by black officers with which all of the plaintiffs and defendants agreed. However, one of the key

provisions of the decree contained a requirement that the NOPD promote black and white officers on a ratio of one black officer to every white officer promoted as vacancies arose until the percentage of blacks in supervisory positions equalled the percentage of police officers who were black. In addition, the decree provided for the establishment of forty-four new positions divided among the ranks of sergeant, lieutenant, and captain to which only black officers could be promoted. To evaluate the quota provisions, I employed Dr. Melville Wolfson, an expert in economics in accordance with Federal Rule of Evidence 706. He prepared a report and testified on April 6 and April 8, 1982 at the fairness hearing. Based on Dr. Wolfson's testimony, I rejected plaintiffs' proffered expert's testimony and determined that the one to one quota provision was not supported by the evidence and had an unreasonably harsh impact on non-black applicants. Moreover, it was considerably more than was necessary to afford relief to the plaintiffs. Based upon the evidence presented at the fairness hearing, I declined to adopt the decree. *Williams v. City of New Orleans*, 543 F.Supp 662 (E.D.La.1982).

My decision was reversed by a panel of the Fifth Circuit on December, 16 1982, 694 F.2d 987 (5th Cir.1982). It was later considered by the en banc court. The rehearing was requested by the limited intervenors as well as the United States Department of Justice which was granted leave to intervene as a party-appellee by the Fifth Circuit on January 10, 1983. The en banc court reinstated my order rejecting the consent decree on May 15, 1984, 729 F.2d 1554 (5th Cir.1984), and invited the parties to submit a substitute decree which was supported by the evidence. 729 F.2d at 1565.

Eleven years after the filing of the action, plaintiffs had not yet obtained any relief. At my urging, the parties resumed negotiations and prepared a second decree. On February 6, 1985, the parties submitted a second decree for my approval which adopted much of the 1981 decree with the exception of the one to one quota provision. A second fairness hearing was held on November 13, 1986 to consider the objections of many class members, the United States, and the limited intervenors. Approximately fourteen years after the complaint was filed, I conditionally approved the decree on May 27, 1987 and formally approved it on July 23, 1987.

Plaintiffs have now moved to recover attorneys' fees and expenses from defendants in accordance with the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988.

## II) Plaintiffs' Claim for Attorneys' Fees and Expenses

A district court is authorized to award a reasonable attorney's fee to the prevailing party in civil rights litigation. Because I have previously concluded that plaintiffs have met the low statutory threshold and are prevailing parties,<sup>2</sup> they are entitled to attorneys' fees reasonably expended in pursuit of this lawsuit. *Hensley v. Eckerhart*, 103 S.Ct. 1933, 1939 (1983).

### A) METHOD OF COMPUTATION

<sup>\*3</sup> In this Circuit, the starting point for determining a reasonable attorney's fee is to compute what is commonly referred to as the "lodestar" figure. *Watkins v. Fordice*, 7 F.3d 453, 457 (5th Cir.1993); see also *Hensley*, 103 S.Ct. at 1939. The lodestar is computed by multiplying the number of hours reasonably expended on litigation by a reasonable hourly rate. *Id.*; *Shipes v. Trinity Industries*, 987 F.2d 311, 319-20 (5th Cir.), cert. denied, 114 S.Ct. 548 (1993). To determine the lodestar, twelve factors are considered. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir.1974). They are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill required to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the "undesirability" of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Johnson*, 488 F.2d at 717-19. The lodestar is presumptively reasonable and should be modified only in exceptional cases. *City of Burlington v. Dague*, 112 S.Ct. 2638, 2641 (1992); *Watkins*, 7 F.3d at 457.

Because district courts are most knowledgeable about the conduct of litigation and the extent of the success achieved in an action, the Fifth Circuit has consistently recognized that broad discretion is given to a district court evaluating a fee petition. (See, e.g., *Allbright v. Good Shepherd Hospital*, 901 F.2d 438, 441 (5th Cir.) 1990,

“[T]o serve the overriding goal of compensating counsel in light of the results obtained, the fees must be apportioned. The manner of determining the award and its ultimate amount are committed to the discretion of the district court,” *Associated Builders & Contractors v. Orleans Parish School Board*, 919 F.2d 374, 379 (5th Cir.1990), “We cannot overemphasize the concept that a district court has broad discretion in determining the amount of a fee award. This tenet is appropriate in view of the district court’s superior understanding of the litigation and the desirability of avoiding frequent appellate review of what essentially are factual matters.”)

**B) PLAINTIFFS’ FEE REQUEST**

Plaintiffs seek an award of \$973,904.44 in attorneys’ fees, paralegal costs, and litigation expenses. *See* Plaintiffs’ Supplemental Motion for Attorney’s Fees and Expenses. The fees are sought by seven attorneys and twenty-five paralegals and law students. Plaintiffs’ itemized account may be summarized as follows:

<b>Attorneys</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
O. Peter Sherwood	1306.0	\$350.00	\$457,100.00
Beth J. Lief	293.2	\$275.00	\$80,630.00
Patrick Paterson	137.4	\$275.00	\$37,785.00
Judith Reed	615.4	\$300.00	\$184,620.00
Ulysses Thibodeaux	76.4	\$175.00	\$13,370.00
Clyde Murphy	57.0	\$275.00	\$15,675.00
Ronald Wilson	575.0	\$175.00	\$100,625.00

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Total	3,060 .4		\$889,805.00
Paralegal/Law Students	1188. 1	\$60.0 0	\$71,286.00
Expenses			
Expert Witness Fees			\$3,885.66
Travel			\$8,195.31
Legal Printing			\$35.19
Miscellaneous <sup>3</sup>			\$697.28
Total			\$12,813.44
Total Award Request			\$973,904.44

\*4 Plaintiffs bear the burden of proving the reasonableness of their fees. *See Abrams v. Baylor College of Medicine*, 805 F.2d 528, 535–36 (5th Cir.1986) (citing *Hensley v. Eckerhart*, 103 S.Ct. 1933, 1940 (1983)). Accordingly, they must present adequately documented time records. *Watkins*, 7 F.3d at 457. When the documentation is inadequate, the district court may reduce the award accordingly. *Hensley*, 103 S.Ct. at 1939. Moreover, using the submitted time as a benchmark, the

court should exclude from the initial fee calculation time that was not “reasonably expended,” including that time found to be duplicative, unnecessary, and excessive. *Hensley*, 103 S.Ct. at 1939.

C) ANALYSIS

I have reviewed the time sheets and depositions submitted by each attorney, paralegal, and law student in light of the *Johnson* factors.

The results obtained by the prevailing party are an important factor in determining a reasonable fee award. *Hensley*, 103 S.Ct. at 1940. When a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. *Id.* However, the fact that a plaintiff is a prevailing party “may say little about whether the expenditure of counsel’s time was reasonable in relation to the success achieved.” *Hensley*, 103 S.Ct. at 1941. The focus is “on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation.” See *Hensley*, 103 S.Ct. at 1940.

i. The different phases of the litigation

The history of this litigation, much of which occurred in the confines of my chambers and courtroom over the last two decades, must be evaluated to determine whether the fees sought by plaintiffs’ attorneys are reasonable given the results obtained.

To aid the consideration of this fee petition, I have divided the case into five discrete time periods reflecting different phases of the litigation. Each time period represents a different stage of the litigation.

The first period is the time between the filing of the complaint on March 9, 1973 and the recertification of the class after O. Peter Sherwood became lead counsel on July 30, 1980.

The second period is the time between the recertification, and October 13, 1981, the day the parties reached a tentative settlement of the action.

The third period is the time between the settlement proposal and the Fifth Circuit en banc affirmance of my June 11, 1982 order rejecting the first consent decree. The affirmance was ordered on May 15, 1984.

The fourth period is the time between the Fifth Circuit affirmance, and the submission of the second consent decree on February 6, 1985.

The fifth period is the time between the submission of the second decree and the filing of the plaintiff’s final motion for an award of attorney’s fees on September 7, 1993.

The fees sought during each period are considered separately.

a) The First Period: The time between the filing of the complaint on March 9, 1973 and the recertification of the class on July 30, 1980.

\*5 No time spent prosecuting this case from its inception until the recertification of the class on July 30, 1980 is compensable. This case began when a group of black NOPD officers perceived discriminatory treatment and sought an attorney to bring a civil rights claim on their behalf. Deposition of Gustave R. Thomas at 9–12. Although the plaintiffs were anxious to see the case resolved, their attorneys allowed the litigation to stagnate for over seven years. It was apparent that counsel had no interest in pursuing it. They failed to appear at court-ordered conferences, and provided no explanations for their absence. Counsel’s performance was so deficient and the progress on the case so minimal that I dismissed it on August 24, 1978 for failure to prosecute and decertified the class. Indeed, the appeal from that decision was dismissed because counsel failed to file their brief in a timely fashion. Although I later reinstated individual claims, the case remained dormant for two more years.

The claims made for this period in the LDF petition reflect time spent by Ulysses Thibodeaux, who worked with Cotton and Bagneris, and some supervisory time spent by Sherwood. In addition, Joseph Cotton, representing himself, also seeks attorneys fees for time he expended during this phase. All of these claims are denied. Section 1988 exists to encourage attorneys to vigorously prosecute meritorious civil rights claims. The purpose of § 1988 would be entirely frustrated by granting fees for time during which counsel’s deficient performance mandated dismissal of the action.

b) The Second Period: The time between the recertification of the class on July, 30 1980 and the agreement reached by the parties on October 13, 1981.

The time between July 30, 1980 and the submission of the first consent decree on the day trial on the merits was set to begin requires careful consideration. During this relatively short time, there were negotiations between plaintiffs and defendants. These negotiations culminated in an agreement on all issues material to the claims. The

agreement was presented to me orally on the day of trial, and the written version was submitted on January 26, 1982.

On June 11, 1982, the date I rejected that decree, plaintiffs were not prevailing parties. In spite of the willingness of city officials to accommodate plaintiff's claims, the attorneys for the plaintiffs had failed at sustaining their burden of proof and accordingly failed to achieve any relief or benefit for their clients as a result of their inability to support the proposed quota provision.

However, many of the provisions in the first consent decree were incorporated into the second decree which I ultimately approved, and some time spent drafting the first decree is compensable. It is therefore necessary for me to review the evidence to determine what percentage of any fee application for the period spent drafting the first decree is compensable. I have compared the complexity and novelty of the provisions of the first decree which were incorporated into the second decree and which ultimately provided relief for the plaintiffs with those provisions of the first decree which were not adopted.

\*6 The goal of § 1988 is to compensate prevailing parties who have brought about meaningful change. It is therefore inappropriate to compensate plaintiffs' counsel and to assess the City for time spent brokering a remedy that never provided relief to plaintiffs. While plaintiffs are prevailing parties in this action, this does not establish that the time expended by their counsel was reasonable given the results obtained.

The sine qua non of the agreement was the one to one quota provision. It was the cause for rejection of the decree by both me and the Court of Appeals. The other provisions of the decree, with the exception of the supernumerary positions created for black officers only, afforded only insignificant relief to plaintiffs. Most of the provisions were noncontroversial and some had been voluntarily instituted by the NOPD prior to the reinstatement of the complaint. Plaintiffs' fee application must, therefore, be apportioned in accordance with the limited success achieved by the plaintiffs, as indicated by the eighth *Johnson* factor. As the Supreme Court has instructed, "But where the plaintiff achieved only limited success, the district court should award only that amount of fees that is reasonable in relation to the results obtained." *Hensley*, 103 S.Ct. at 1943.

The following analysis of the provisions of the second

consent decree carried over from the first decree demonstrates that plaintiffs fee application is excessive given the *Johnson* factors.<sup>4</sup>

#### *The Consent Decree*

Section I states the principles and purposes of the decree, a provision which required little time, effort, or drafting skill.

Section II addresses the recruitment policies of the NOPD. At the same time, the decree recognizes that the City had already begun intense efforts to recruit black police officers. The creation of application centers in black neighborhoods, more community outreach, a buddy system, and increased recruiter training are not controversial and could not have been difficult to negotiate in light of the cooperative attitude of the City.

Section III is directed to the good faith effort required by the City to increase the number of black officers on the NOPD through new selection procedures. This simple statement of policy can hardly be said to be unique.

Section IV addresses police recruit training. Administrative changes at the academy such as tutors, office hours for instructors, a buddy system, the appointment of four black instructors to the academy, and changes in the academy review panel were not controversial, and could not have required significant attorney time.

Section V outlines the different sub-classifications of police officers, Police Officer I, II, III, and IV. The decree simply sets out the minimum service requirements for each classification.

Section VI addresses promotions, and given the elimination of the quota provision, represents the most significant and controversial section of the second consent decree. This section created forty-four new "supernumerary" positions, 30 sergeants, 12 lieutenants, and 2 captains to be filled by black officers, provided, however, that every fourth vacant position could be eliminated by the City.

\*7 This provision had the most immediate and significant effect on the NOPD. It altered the racial composition of officers in the department, and required time to craft and

negotiate. This subsection appeared in identical form in the first decree.

Section VII discusses eligibility to sit for promotional examinations. It addresses the experience required for each examination. It too required little skill and effort.

Section VIII is a simple statement that the normal probationary period must be completed by all promoted officers.

Section IX outlines new selection procedures that govern promotions to all ranks of the NOPD. This provision, which created the band system and was slightly modified after the rejection of the first decree, represents a departure from prior NOPD practices.

Section X sets forth the residency requirements mandated by law.

Section XI is a policy statement that all disciplinary matters will be handled in a non-discriminatory fashion, also a requirement of law.

Section XII governs the forum for challenges to the decree, hardly an issue of great controversy.

Section XIII sets out another policy statement, that the City will try to respect the spirit of the decree if lay-offs are necessary.

Section XIV requires defendants to reconsider claims of termination based upon racial discrimination.

Section XV provides that the City establish a \$390,000 backpay fund for class members. The original decree provided for a backpay fund of \$300,000. The amount is negligible in light of the large number of class members and the historical disparity in career success experienced by black and white NOPD officers.

Section XVI concedes that the plaintiffs are prevailing parties and entitled to attorney's fees.

Section XVII places various reporting requirements on the City, a routine practice.

Section XVIII discusses the decree's lifespan and did not appear in the first decree.

Section XIX provides the Court's continuing supervisory power over the decree.

Section XX defines various terms and abbreviations used in the decree, and is substantially identical to a provision in the first decree.

This section-by-section analysis illustrates the noncontroversial nature of most of the decree and the relief it granted. Considering the relative simplicity of the provisions that were carried over from the first decree to the second, and the importance of the quota provision which was not approved, I find that a reasonable apportionment of the fee would be one-third of the time claimed by plaintiffs' attorneys for work in connection with the first decree. This division is based upon my familiarity with this action, and a comparison of the complexity and importance of the provisions ultimately adopted in the second consent decree with the quota provision which was never adopted.

c) The Third Period: The time between the submission of the first consent decree and the reinstatement of my order rejecting that decree by the Fifth Circuit en banc, October 13, 1981 to May 15, 1984

\*8 Plaintiffs seek attorney's fees for time spent battling the intervenors over the quota provision, both at the first fairness hearing before me and in the Court of Appeals.

By this time, the City had fully capitulated and executed the consent decree, agreeing to all of its terms. It was the objection of third party intervenors, not the defendants, that caused the lengthy fairness hearing and the appellate proceedings. The City complied with plaintiffs demands as of October 11, 1981 and is not responsible for fees claimed in proceedings against third parties. *See, Reeves v. Harrell*, 791 F.2d 1481, 1483-84 (11th Cir.1986), *cert. denied*, 107 S.Ct. 880 (1987), *Bigby v. City of Chicago*, 927 F.2d 1426, 1428-29 (7th Cir.1991). Even if the quota provision had been approved by the Court, plaintiffs would not have been entitled to fees for this period because the City fully supported the consent decree and played no adversarial part in the appeal. The Supreme Court has held that a Title VII defendant is "liable for all of the fees expended by the plaintiff in litigating the claim against him." (*Independent Fed. of Flight Attendants v. Zipes*, 109 S.Ct. 2732, 2737 (1989), (emphasis added)).

As of May 15, 1984, 11 years after commencement of the action, plaintiffs had still not achieved any success or prevailing party status. In fact, plaintiffs never achieved this status with respect to the proceedings that occurred in the Third Period, or the quota provision. Accordingly, no

fees can be awarded for this period.

d) The Fourth Period: The time between the Fifth Circuit affirmance and the submission of the second consent decree in February, 1985

At my instigation, the parties pursued settlement. On February 6, 1985, they submitted a revised consent decree in harmony with my findings of June 11, 1982. I conditionally approved the decree on May 27, 1987 and finally approved it July 23, 1987. I find that the time between the Fifth Circuit en banc affirmance and the submission of the second consent decree is compensable, reflecting hours reasonably necessary to complete the second decree.

e) The Fifth Period: The time between the submission of the second consent decree and the end of the litigation, from February 6, 1985 until plaintiffs' final motion of September 6, 1993

Attorney time expended between the submission of the second consent decree on February 6, 1985 and the approval of the decree on July 23, 1987 is not compensable for the reason that all the time spent was responding to the Court, objections of the intervenors, objecting class members, and a summary judgment motion filed by the Department of Justice. Defendants fully supported the second decree, and therefore although plaintiffs prevailed in these proceedings, they did not prevail against the defendants.

Following approval of the second decree, few attorney hours were reasonably required. The substantive work of the case had been completed, and only the administration of the decree remained. Each submission concerning this time period is evaluated individually.

ii. The Fee Application By Each Attorney and Law Clerk

a) *O. Peter Sherwood*

\*9 Sherwood, formerly an attorney with the LDF in New York City, served as lead plaintiffs' counsel from the time this action was reinstated in July 1980 until September 1984. See Declaration of Judith Reed. After that time, he consulted periodically with plaintiffs' counsel. *Id.*

Plaintiffs seek recovery for 1,306 hours of Sherwood's time.

Sherwood's time for which he is entitled to be compensated is divided between the various periods of the litigation in the following manner:

First Period: I have found no time is compensable during this period.

Second Period: Sherwood claims 567.5 hours, one-third or 189 hours of which I have found compensable.

Third Period: I have found no time is compensable during this period.

Fourth Period: 100 hours are claimed and allowed.

Fifth Period: No time has been claimed.

Accordingly, I find that Sherwood is entitled to be compensated for 289 hours.

b) *Judith Reed*

Reed is an attorney with the LDF in New York City who seeks compensation for 645.4 hours<sup>5</sup>. I have reviewed Reed's time submission carefully. Her main role in this litigation was as lead plaintiffs' counsel from October, 1984 until the present. See Declaration of Judith Reed at 2.

Reed seeks compensation for 100.2 hours spent in the Fourth Period producing the second consent decree. I find this time compensable.

The remainder of Reed's time was spent during the Fifth Period. I find that the 276.8 hours spent by Reed from February 7, 1985 to July 23, 1987 responding to the intervenors and the summary judgment motion filed by the United States Government are not compensable.

Reed's compensable tasks during the Fifth Period involved the administration of the final stages of this action. Reed seeks compensation for 268.4 hours spent after July 23, 1987. They are scantily documented with notations such as "T/C" or "BACKPAY" without explanation in many instances. See Exhibit A attached. Although Reed's entries are almost impossible to



decipher and evaluate, it appears that her major tasks were assisting with the distribution of the backpay fund, and the filing of this fee petition. Seven working weeks is an unreasonable amount of time to accomplish these two administrative tasks.

I am familiar with the responsibility that this case placed upon plaintiff's counsel, including the administrative work required for an orderly presentation of plaintiff's claims. These tasks could not reasonably have required more than 150 hours of attorney time. In addition, Reed's submission lacks the clarity and detail required to support an award in excess of that amount. Accordingly, I find that only 150 hours are compensable for tasks carried out after July 23, 1987.

Accordingly, I find that Reed is entitled to be compensated for 250.2 hours.

c) *Ronald Wilson*

Wilson, a sole practitioner in New Orleans, seeks to recover for 575 hours. Wilson served as exclusive local counsel for the plaintiffs since July 1980. *See* Declaration of Judith Reed at 7. Wilson's time for which he is entitled to compensation is divided between the various periods of the litigation in the following manner:

\*10 First Period: I have found no time is compensable during this phase.

Second Period: Wilson claims 293.4 hours, one-third of which or 98 hours I find are compensable.

Third Period: I have found no time compensable during this phase.

Fourth Period: One hour is claimed and is awarded.

Fifth Period: Wilson claims and is awarded 40.3 hours.

Accordingly, I find that Wilson is entitled to be compensated for 139.3 hours.

d) *Beth J. Lief*

Lief was an LDF attorney in New York who worked on this action from October 1980 to January 1982 and seeks to recover for 293.2 hours. Of these hours, 274 were spent during the Second Period. I have found that one-third, or 91 of these hours are compensable. The remaining time was expended in the Third Period, which I find not compensable.

Accordingly, I find that Lief is entitled to be compensated for 91 hours.

e) *Patrick Paterson*

Plaintiffs seek to recover for 140.2 hours expended by former LDF attorney Patrick Paterson. However, 137.4 of these hours were spent in preparation for the first fairness hearing in the Third Period. I have found that none of this time is compensable.

The 2.8 hours claimed in 1992 and 1993 for work on the fee petition are compensable.

Accordingly, I find that Paterson is entitled to be compensated for 2.8 hours.

f) *Ulysses Thibodeaux*

Thibodeaux is presently an attorney in Lake Charles, Louisiana. Plaintiffs seek to recover for 76.4 hours expended by Thibodeaux between January, 1976 and May, 1980. All of these hours were in the first phase of the litigation, and I have found that time not to be compensable.

Accordingly, I find that Thibodeaux is entitled to be compensated for 0 hours.

g) *Clyde E. Murphy*

Murphy is an attorney at the LDF in New York City. Plaintiffs seek to recover for 57 hours of Murphy's time, all spent during the Second Period. I have found that one third of this time, or 19 hours, is compensable.

Accordingly, I find that Murphy is entitled to be compensated for 19 hours.

*h) Paralegal and Law students*

Plaintiffs seek fees for the services of twenty-five paralegals and law students of varying experience. These fees are only recoverable if reasonable and well documented. The documentation submitted by the LDF was frequently insufficient. In many instances, no time records were provided. Additionally, many students simply described their services as “research”, preventing my examination of the relevance or reasonableness of their efforts. Accordingly, no compensation has been granted for any paralegal or law student who has not provided a time record, or a description of the service provided. *See Exhibits to Plaintiffs’ Motion For An Award of Attorneys’ Fees and Expenses, Exhibit C1–C25.*

(1) Stephanie Bell has submitted an affidavit that she worked on this case for exactly eight hours per day for 24 days during the summer of 1981. Ms. Bell, who had only completed her first year of law school, claims she researched and wrote a memorandum relevant to the case. I find it unlikely that a single memorandum in this case required 192 hours or almost 5 weeks of anyone’s time. The City should not be taxed for time spent by a summer intern honing research and writing skills. I find based upon my experience each summer with student externs that one-third of the time or 64 hours, a generous assessment of the time reasonably required to complete this project, are compensable.

\*11 (2) Bill Bernstein, a law student, submitted a time sheet that indicates 34 hours of work. This time was spent responding to intervenors during the Third Period, which I have found to be not compensable.

(3) Cheryl Buttone, a law student, worked 82 hours during the Third Period which I have found to be not compensable.

(4) Victoria Gerald submits that she spent 89.5 hours examining and copying NOPD reports. Indeed, a total of 425.5 hours, 53 working days or almost 11 weeks, were spent examining and copying NOPD reports by various students, paralegals, and others. Gerald, while a college graduate was neither paralegal nor lawyer. No time record

has been provided for these hours, and I therefore find that the time is not compensable.

(5) Edward Gibson, a student on leave from his undergraduate college, spent 10.9 hours in October 1981 assisting with trial preparation, examining the educational backgrounds of NOPD officers. His qualifications to perform these tasks are not specified. Nevertheless, the amount of time is negligible and could have been useful to the plaintiffs, and I find that these hours are compensable.

(6) Marc Gonzales, another college graduate, submits that he spent 204.5 hours examining and copying NOPD reports. However, no time record has been provided for these hours, and I find that the time is not compensable.

(7) Marian Hamilton, a first year law student, submits that she spent 3.5 hours examining and copying NOPD reports. However, no time record has been provided for her, and I find that the time is not compensable.

(8) Michael Hinkerson, a college graduate with unspecified qualifications, submits that he spent 34 hours examining and copying NOPD reports. However, no time record has been provided for these hours, and I find that the time is not compensable.

(9) Tracey Hollingsworth submits that she spent 14 hours in May, 1989 on “research”. However, neither Hollingsworth’s background nor the nature of the research has not been provided and I find that the time is not compensable. *See Exhibit B attached.*

(10) Jeh Johnson submits that he spent 32 hours on “Research/Writing” in May of 1981. However, the nature of the research has not been provided and I find that the time is not compensable. *See Exhibit C attached.*

(11) Anthony A. Jones, a law student, submits that he spent 38.5 hours researching Fifth Circuit cases concerning fee petitions in June, 1993. I find the time compensable. He submitted a detailed time record, though the “research” should have been accomplished in considerably less than a week by a more experienced professional.

(12) Judith Mathewson, not a lawyer, law student, or trained paralegal, submits that she spent 13.3 hours helping to prepare for trial in October 1981, researching the educational backgrounds of NOPD officers. Mathewson was a recent college graduate but failed to

offer any qualification to perform the tasks claimed. Nevertheless, the time is negligible and may have been helpful to plaintiffs, and I find this time compensable.

\*12 (13) An unsigned time sheet was submitted for Mahmood Najafi, which states that he spent 139.5 hours doing "Computer Based Analysis". However, no explanation is provided as to what the analysis was related to or its relevance to the case and I find the time not compensable. See Exhibit D attached.

(14) Yvette Rivera, a law student, submits that she spent 54 hours working on this case. However, this time was spent working on the appeal in the Third Period which I have found not compensable.

(15) Gayle Roberts, a law student, submits that she spent 53 hours examining and copying NOPD reports. However, no time record has been provided for these hours and I find that the time is not compensable.

(16) Jerry Salama, a law student, submits that he spent 6 hours in July 1983 updating a schedule for the compensation of class members. This time was spent in the Third Period which I have found not compensable.

(17) Marcia Sells, a law student, submits that she spent 16 hours on this case in May 1983. This time was in the Third Period which I have found not compensable.

(18) Janice Stroughter, a law student, submits that she spent 4.9 hours in March 1982 on this case. These hours were in the Third Period which I have found not compensable.

(19) Iris Tate, a law student, submits that she spent 25 hours examining and copying NOPD reports. However, no time record has been provided for these hours, and I find that the time is not compensable.

(20) Philip Tegeler, a law student, submits that he spent 19 hours in March and April 1981 summarizing depositions. I find this time compensable.

(21) Vanessa Thompson submits that she spent 33.3 hours preparing this fee petition under Reed's supervision. I find this time compensable. Thompson is an experienced paralegal supervisor at the LDF.

(22) Jeremy Travis, a third year law student submits a detailed time record indicating that he spent 75 hours in September and October 1981 helping to prepare for trial.

Travis researched standards at various police academies and Title VII caselaw, and assisted with witness preparation. I find this time compensable.

(23) Sandra Weaver, a law student, submits that she spent 16 hours doing research in May, 1983. These hours were in the Third Period which I have found not compensable.

(24) Gregory Weston, a law student, submits that in July and August 1981, he worked 80.5 hours on this litigation. However, as Weston simply describes his efforts as "research" and provides no information regarding the nature of the research, I find the time is not compensable. See Exhibit E attached.

(25) Ouida Woods, a social worker, submits that she spent 16 hours examining and copying NOPD reports. However, no time record has been provided for her, and I find the time not compensable.

Much of the time claimed here was performed by inexperienced non-professionals. Moreover, it involved more people than could efficiently and effectively provide continuity of effort.

\*13 Accordingly, I find a total of 254 hours claimed by law students and paralegal are compensable.

### iii. Reasonable Hourly Rates

I next establish reasonable hourly rates for the attorneys and paralegals.

Plaintiffs' attorneys were from both New York City and New Orleans. Plaintiffs contend that the attorneys should be compensated at the prevailing rates in their respective cities. Plaintiffs further contend that I should use the prevailing rates in 1990 because this would "ensure[ ] both that the City is not prejudiced by the delay [in filing the petition in 1992] nor are plaintiffs' attorneys penalized for the extraordinary delay in receiving payment for services performed years ago." Plaintiffs' Memorandum in Support at 8.

Reasonable fees under section 1988 are calculated according to the prevailing market rates in the relevant legal community. *Blum v. Stenson*, 104 S.Ct. 1541, 1547 (1984). The general rule is that a court should value the services of an attorney based on the rates of attorneys

practicing in the forum district,<sup>6</sup> *see, e.g., Gates v. Deukmejian*, 987 F.2d 1392, 1405 (9th Cir.1992); *Mississippi State Chapter Operation PUSH v. Mabus*, 788 F.Supp. 1406, 1421 (N.D.Miss.1992), and the quality of work. *Copper Liquor Inc. v. Adolph Coors*, 624 F.2d 575, 583 (5th Cir.1980). Accordingly, the hourly rates established are based upon my knowledge of prevailing rates in the Eastern District of Louisiana.

“[A]n appropriate adjustment for delay in payment—whether by application of current rather than historic rates or otherwise—is within contemplation of [section 1988].” *Missouri v. Jenkins ex rel Agyer*, 109 S.Ct. 2463, 2469 (1989). However, in this action the long delay in payment was primarily caused by plaintiffs’ unexplained failure to file this application until five years after the approval of the second consent decree. Plaintiffs’ attorneys are not entitled to 1990 rates. Rather, the prevailing New Orleans attorney rates in 1987 are applicable.

Accordingly, taking into account the experience of the attorneys in this litigation, and drawing upon my own

experience and observations, I find that \$150.00 is a reasonable hourly rate for the services of Peter Sherwood; \$125.00 is a reasonable hourly rate for Judith Reed<sup>7</sup>; \$100.00 is a reasonable hourly rate for Patrick Paterson, Beth Lief, Clyde Murphy and Ulysses Thibodeaux given their respective experience and minor roles in the litigation; \$120.00 is a reasonable hourly rate for Ronald Wilson<sup>8</sup>; and that paralegal and law student services should be compensated at \$25.00 per hour.

iv. The lodestar calculation

To compute the lodestar I now multiply the reasonable hours expended by the reasonable hourly rate to obtain the lodestar figure. The lodestar amount for each attorney is as follows:

Attorneys	Hou rs	Rate	Amount
O. Peter Sherwood	289 .0	\$150. 00	\$43,350.00
Beth J. Lief	91. 0	\$100. 00	\$9,100.00
Patrick Paterson	2.8	\$100. 00	\$280.00
Judith Reed	250 .2	\$125. 00	\$31,275.00
Ulysses Thibodeaux	0.0	\$100. 00	\$0.00

**Williams v. City of New Orleans, Not Reported in F.Supp. (1995)**

Clyde E. Murphy	19. 0	\$100. 00	\$1,900.00
Ronald Wilson	139 .3	\$120. 00	\$16,716.00
Total			\$102,621.00
Paralegal/Law Students	254 .0	\$25.0 0	\$6,350.00
TOTAL LODESTAR			\$108,971.00

v) The remaining *Johnson* factors  
**\*14** The remaining *Johnson* factors are considered to determine whether the lodestar should be adjusted.

a) Novelty and Difficulty of the Question Involved

The novelty and difficulty of the issues were considered when determining the hours reasonably expended on the litigation. No adjustment will be made for this factor.

b) Skill Required to Handle the Matter Properly

Counsel's abilities were considered when I determined reasonable hourly rates. No adjustment is warranted.

c) Possible Loss of Clients or Employment

Counsel's practice consistently involves this exact type of litigation and there can be no possible loss of clients or

employment due to this representation. No adjustment will be made on the basis of this factor.

d) Amount Involved and Benefit to Client

The benefits to the plaintiffs were considered when determining hours reasonably expended.

e) The Contingency or Uncertainty of Compensation

No adjustment is necessary for this factor. Soon after plaintiffs' counsel began prosecuting this case in earnest in October 1980, it was revealed that the City was willing to settle this action. The first consent decree, submitted in January 1982, contained a provision providing for the payment of attorney's fees by the City. Thus, there was little uncertainty regarding compensation for the plaintiffs' attorneys.

f) Nature of the Court Before Which the Case was Tried

No adjustment will be made for this factor, as plaintiffs' counsel regularly practice in federal courts.

g) Time Limits Imposed by the Clients or the Circumstances

No adjustment will be made for this factor. It can hardly be said that an action that took sixteen years to resolve placed significant time limits on plaintiffs' counsel.

h) Undesirability of the Case

This case is at the core of plaintiffs' counsel's practice, and this makes an adjustment unnecessary for this factor.

i) Nature and Length of the Professional Relationship With Client

No adjustment is necessary for this factor. It has been considered when evaluating the hours reasonably required to prosecute this action given the results obtained.

j) Awards in Similar Cases

Eastern District of Louisiana fees have been used to arrive at the lodestar. Accordingly, no adjustment is necessary for this factor.

The lodestar calculation yields an award significantly lower than that sought by plaintiffs' counsel. However, the fee petition contained far more time than was reasonably necessary to achieve the results of this action. It also contained many hours spent responding to third party intervenors, time which cannot be assessed against the defendants. Lastly, the petition sought hourly rates far in excess of those available in New Orleans during this litigation.

vi. Expenses

Plaintiffs seek expenses in the amount of \$12,813.47. I find that these expenses are reasonable and are compensable.

a) *Travel Expenses*

\*15 Plaintiffs have provided a detailed account of their travel and accommodations expenses. They seek recovery of \$8,195.31 which I find compensable.

b) *Expert Witness Fees*

For the services of experts E. Lee Hoffman and Melville Z. Wolfson, plaintiffs seek \$750.00 and \$3,135.66 respectively. Hoffman was chosen by the plaintiffs. I appointed Wolfson prior to the first fairness hearing, and assessed his fees between plaintiffs, the City, and the limited intervenors. These experts testified at the first fairness hearing, and their testimony was instrumental in aiding my consideration of the first consent decree. I find that these expenses, most of which were imposed on plaintiffs by Court order, are compensable.

c) *Remaining Expenses*

I find that plaintiffs' remaining expense claims are reasonable. Plaintiffs are awarded: (1) \$35.19 for legal printing and, (2) \$697.28 for miscellaneous expenses.

Accordingly,

IT IS ORDERED that defendant the City of New Orleans pay the sum of \$108,971.00 to plaintiffs for fees reasonably expended by plaintiffs' attorneys, paralegals and law students as herein above provided.

IT IS FURTHER ORDERED that defendant the City of New Orleans pay the sum of \$12,813.47 to plaintiffs for expenses reasonably expended in connection with this action.

EXHIBIT A

**Williams v. City of New Orleans**

**No. 73-629(G)**

**Statement of Time**

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**Judith Reed**

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<b>Date</b>	<b>Work Performed</b>	<b>Hours</b>
1984		
Oct. 5	Tel. conv. w/Dwyer follow up on plaintiff settlement proposal	.2
5	Tel conv. w/Dwyer re setting up meeting & prospects for settlement	.4
18	Conf. call, OPS, Dwyer, JR re settlement meeting	.3
18	Conf. call Dwyer, JR, OPS re renegotiation of decree (.5); tel conv w/OPS in prep. for same (.4)	.9
19	Meeting w/OPS re prep for settlement conf.	.8
Nov. 7	Tel conv. w/OPS re prep for settlement conf.	.3

8	Travel to New Orleans from N.Y. (5.2) review of decree (.5) (to attend settlement conf.)	5.7
9	Mtgs w/Buras, Anzelmo (2.3); settlement conf w/Dwyer, Sponsilor, Baybrook, OPS, JR, R. Wilson (3.5); Mtg w/Errol Williams re decree provision (.5); redrafting decree w/Baybrook (3.0); preparation for attending mtg w/clients (1.5) further redraft w/OPS (2.0)	12.8
10	Travel back to NY from New Orleans	5.5
12	Met w/OPS re redraft of certain paragraphs of decree	.4
13	Tel conv w/OPS tel conv w/Becki Baybrook re change; ltr. to same & Dwyer re same; tel conv w/Buras re status of redraft	.8
1985		
Jan. 2	Met w/P. Sherwood to discuss CSC revision of decree	.4
		<hr/> 28.50
Jan. 3	Review of CSC revision by comparison of CSC draft w/pltf's version (.5); tel conv w/O.P Sherwood & Yvonne Bechet re decree (.3); conf call w/Sherwood & Dwyer decr (.5); tel conv w/OPS re same (.2)	1.5



4	Drafting of ltr to Dwyer (CSC) explaining changes requested by pltfs per Dwyer; request, (marking up copy) (2.1); call to P. Sherwood re same (.3) disc. w/J. Chambers (LDF Dir.) re case bec of call from Mayors Off. (.3)	2.7
5	Research—intervenor appeal	3.8
7	Revision of letter on decree (to CSC) (3.2); research on 5th Cir. intervention brief (1.0)	4.2
8	Final revision of ltr to Dwyer on latest draft (.8) research & drafting of Appellee’s brief on intervention (5.5)	6.3
9	Res. & drafting appellee’s brief in resp. to intervenor’s appeal	10.5
10	Redraft brief—intervention appeal	4.0
12	Revision of brief—intervention	3.2
14	Final revisions to brief intervention	10.5
25	Receipt & review of CSC draft of decree; tel conv w/P. Sherwood & Dwyer re same	.5
28	Tel disc w/P. Sherwood re decree; call to Buras; detailed review of decree	.8
31	Tel con w/P. Sherwood re decree—call to	.4

	Judge's chambers for appointment (.4)	
Feb. 1	Revision of memo in support of motion for approval; tel conv w/R. Wilson	.8
2	Preparation for Monday meeting on finalizing decree	2.1
		<hr/> 51.30
Feb. 3	Travel to N.O. for mtg w/class & w/opposing counsel (6 hr. less 1 hr for work en route)	5.0
3	Review of decree in prep. for mtg. w/class en route to N.O. (1.0) Mtg. w/class members to discuss revised decree (1.2); Mtg w/BOP leadership re implementation of decree (1.0)	3.2
4	Mtg w/opposing counsel re final revisions & signing of decr., discussion of motion for approval, signing etc. (3.5); mtg w/Judge Sear in chambers re status of change of counsel (.4); travel betw mtgs (.5); mtg w/Supt. Police re implementation (1.8)	6.2
4	Travel from Pol. Hdqtrs—airport—NY	5.0
6	Tel conv. w/B. Moore (Justice) re status of case (.3); call to Magis Meyer's office re cancellation of status conf & ltr re same (.7)	1.0
13	Preparation of fee demand (1.5); review of DOJ	2.0

	motion to intervention & discussion w/law student (.5)	
14	Tel call from R. Wilson re fee demand (.2); review of OPS time statement (.8)	1.0
19	Drafting & research—response to U.S. motion to intervene	2.2
21	Tel conv. w/Gilbert Buras re <i>Rodriguez</i> motion for prelim. inj; research & drafting memo for possible use by Buras on opposition to prelim. inj sent out draft	4.5
22	Tel convs. w/Buras re case citations & discussion of argument for prelim. inj. hearing scheduled Mon. 2/25	.5
		<hr/> 30.60
Feb. 20	Prepare of the demand (.7); tel conv. w/Buras re making appts. from new list (.1); call from Buras & Anzelmo re numbers—pass/fail rates, racial comp. of list (.2); analysis of same via <i>Casteneda</i> & EEOC guidelines 80% rule (3.2) include research	4.2
28	Prepare of fee demand—redraft letter do final calculations (.8); tel. conversation with Ron Wilson (Re. same (.1); tel call from Bennie Jones re status of decree (.3)	1.2
25	Tel. conv. with Ron Wilson re preliminary	.9

	injunction hearing (Rodriquez) and fees (.4) preparation of fee demand (.5)	
March		
1	Tel. conversation with Rob Zatinger (J. Sears' law clerk) re order on intervention (.1)	.1
2	Research re contempt motion against defendants	.5
4	Research and draft motion for contempt against defendants (5.5); motion for reconsideration of order allowing Justice to intervene (.5); tel. conversation with Bennie Jones (Cl. member) re statues, etc. (.4)	6.4
5	Telephone conversation with Ron Wilson re status, motion filed, fees, etc. (.3)	.3
19	Travel to New Orleans from N.Y. (6.0) (en route: preparation for argument on motion for contempt) (1.5)	6.0
		<hr/> 19.60
19	Preparation for argument on motion to hold defendants in contempt	2.2
20	Travel back to NY from NO	5.0

20	Appearance in court on plaintiffs' motion for contempt (1.5); breakfast meeting with clients (Bennie Jones, etc.) (.8); Meeting with Bob Moore (DOJ atty) re Justice position on prep. decree (.8)	2.9
22	Telephone conversation with Eric Schnapper re: question raised by Judge on contempt motion (.8)	.8
25	Meeting with Natl. Black Pol. Assn. (Ron Hampton) re N.O. decree (.8)	.8
26	Discuss with Chris Harvie (law student) re research on brief re contempt order (.3); tel. conv. with Ron Wilson re status conference and scheduling meeting with class (.2)	.5
27	Met with Ron Wilson re Status conference (.5)	.5
27	Travel back to N.Y.	5.5
28	Attendance at status conf. (2.0); meeting with Bennie Jones (client) in preparation for meeting with class (.5); redraft notice to class (.5); meeting with class members (2.0)	5.0
29	Travel back to N.Y. (5.0)	5.0

April

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1	Revisions to notice to class; draft motion for	2.6
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	approval of same, order, etc. (2.2); tele. conversation with Ron Wilson re same (.4)	30.80
2	Tel. conversation with Buras re order of 3/29 (.1); drafting stip. re making of appt. (.4)	.5
4	Tel. conv. with Eric Schnapper re DOJ objections and "standing"	.2
11	Tele. conv. with Ron Wilson re Wolfson's fee (.3)	.3
15	Tel. conversation with R. Wilson re Stip. Class notice and Wolfson bill (.2)	.2
September		
2	Tel. conv. with R. Wilson re SJ Motion (aff).	.3
5	Review and redrafting Plts. memo in resp to JT	3.2
30	Preparation for oral arg. on US SJ motion	6.0
October		
1	Prep. for oral arg. on US SJ motion (4.5); travel to New Orleans (5.0); dinner meeting with co-counsel for disc. case (.4)	9.9

2	Travel to NYC from N.O. (6.0) meeting with class mem. Rudolph Thomas re Obj to decree (2.)	8.0
		<hr/> 28.60

Total for pp. 1–3C	189.40
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**WILLIAMS V. NEW ORLEANS**

**ATTORNEY HOURS—JUDITH REED**

DATE	DESCRIPTION	HOURS
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1/23/86	TC W/RON WILSON	00.3
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2/19/86	TEL CONV W/MALCOLM WILLIAMS (CLASS MEMBER) RE LT EXAM, TEL CONV W/RON WILSON RE SAME	00.8
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2/20/86	REV OF LDF FILE IN KRIKLAND—ON ISSUE OF ENJOINER LT SLAM, LTR TO BWRAS AND DWYER	02.5
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	RE INTENDED MTION ON X TEL CONV W/RON WILSON RE SAME	
2/23/86	TEL CONV W/BURAS RE LT EXAM	00.2
2/24/86	TEL CONV W/RON WILSON (.5), TEL CONV W/DAMNEL (BOP ATTY) RE EXAN (.5)	01.0
2/27/86	TEL CONV W/RON WILSON	00.3
2/28/86	TEL CONV W/R. WILSON ON LT. EXAN—WHAT CLASS MEMBERS WANT DONE	00.5
3/4/86	TC W/RON RE MOTION ON EXAN & DWYER LTR	00.4
3/6/86	TC W/RON W (.2), TC W/JEANNE MEGLOY (PLAINT) (.2), WORK ON MOTION TO STOP EXAN (1.0)	01.4
3/7/86	MOTION	07.0
3/12/86	TC W/MALCOLM (ACM), TC W/RON W, JEANNE	00.8
3/13/86	TC W/RON W	00.3
3/14/86	TC W/RON—RE LIVAUDAIS ORDER & RODRIGUEZ	00.5
3/17/86	TC W/RON W & GILBERT BURAS RE GRANT OF INJ W RODRIGUEZ ETECT ON WMS	00.8



3/18/86	MTG W/JLC RE CASE STATUS (.3), TC W/DALE WILKS, RON W (.5)	00.8
3/24/86	TC W/RON W.	00.3
3/25/86	TC W/DALE WILK RE INJ ON NEW SGT EXAN, TC W/RON ON ACM POS ON EXAM	01.2
	TC W/RON W/ DALE WILLIS RE 5TH CIR DEC (.5), TO W/RON, JEANNE (PLAINT) (.5), TC W/GILBERT B (.3)	01.3
3/27/86	TC W/RON WILSON	00.4
3/31/86	TC W/RON W, REV DWYERS RESPONSE	02.5
4/2/86	ARGUMENT OF MOTION (1.5), TRAVEL FR N.O. TO N.Y. (6.0)	07.5
4/3/86	TC W/RON W	00.3
4/7/86	EPNSE REPT	00.2
4/8/86	TC W/ES RE AFF ACTION CASE	00.4
4/11/86	TRAVEL TO N.O. 5.5, MTG W RON, CLIENTS (1.2)	06.7
4/11/86	TC W/WILSON, OPS (1.0), TC BURAS	01.1

5/1/86	TC W/RON W RE INJUNC 5TH CIR STAY IN PODING	00.4
5/5/86	TC W/ES	00.1
6/20/86	TC W/R WILSON	00.5
6/24/86	TC W/RON WILSON	00.4
7/1/86	TC W/R WILSON RE FEES	00.4
7/7/86	TCW/PAM WILSON	00.5
7/9/86	TCW/ MALCOLM ACM, RE STATUS OF CASE	00.3
7/11/86	TC W/JEANNE MCG SCM	00.3
7/13/86	TC W/JEANNE MCG READ SCT AFF ACTION DECISION	01.2
7/16/86	TRAVEL TO ATTEND AT MTG ACM'S RE DECREE & EFFECT OF SCT DEC	01.4
7/18/86	REV OF CLEENAD CONSENT DECREE RE Q'S RAISED BY ACMS	00.8
7/21/86	REVIEW OF VANGUARD DEC & CONS, REV OF DECR, TEL CON W/JEANE MCG, ACM, TC W/RICK STEGE ATTY FOR VANGUARD	02.0

7/22/86	LTR FR JEANNE RE EFFECT OF VANGUARDS	00.5
7/25/86	TC W/RON WILSON	00.5
8/18/86	TC W/RON WILSON, PREP FOR CONF	02.3
8/19/86	TC W/RON WILSON TCW/TOMMY MILLINE, PREP FRO STATUS CONF REV OF CLASS MOTICE CONF, VIA TEL W/CT, TC W RO(	02.4
8/21/86	REWS ON FAIRNESS HEARING MEMO, TC W/M MORZALLS, TC W/RON WILSON	02.0
8/22/86	DISC W/PH RE FAIRNESS HEARING, DRAFT MOTIN ON NOTICE FOR HEARING	03.0
8/25/86	REDRAFT MOTION OAND NOTICE TO CLASS	04.2
8/26/86	RES & DRAFT BR ON S COPE, REVISION OF MMOTICE TO ACM	04.4
8/27/86	BR ON FACT HEARING, TC W/MILLINER RE NOTICE TO ACM, TC W/RON WILSON RE SAME, REVIEW OF OBJECTION	06.3
8/28/86	REVISION OF MOTICE, BRIEF	03.0
9/8/86	WK ON BRIEF	04.8

9/9/86	READING SUMMAY OF MAIRNESS JEARING TRANSCPT	03.3
9/11/86	DRAFTING REPLY MEMO	06.5
9/12/86	REVISION OF REPLY MEMO	02.0
9/29/86	TC W/MILLINS RE HEARING NOTICE, DECREE, ETC	00.2
10/24/86	TC W/RON WILSON	00.3
10/26/86	PREP FOR CONF, MTG W/ACMS	02.0
	TRAVEL FR NY TO N.O.	04.5
10/27/86	PREP FOR CONF, MTG W/MILLINER RE FAIRNESS HEAR, MTG W OKLA JONES RE FEES, CONF W JUDGE DEAR, POST CONF R)=OF MATERIAL	03.8
		07.0
10/29/86	TC W/MILLINER	00.3
11/5/86	TC W/RON WILSON, LEE HOFFMAN, PREP FOR FAIRNESS HEARING, LTR TO RW RE HOFFMAN AFFIV	02.0
11/6/86	PRPEP FOR FAIRMES HEARING TC W/MILLINER, CSC PERSONNEL	06.0

11/10/86	PREP FOR FAIRNESS HEARING	06.5
11/11/86	PREP FOR FAIRNESS HEARING	04.5
11/12/86	TRAVEL TO NO. PREP FOR HEARING MTG W MILLINER	09.0
11/13/86	ATTEND FAIRNESS HEARING, CONF W CHAMBERS	08.6
11/14/86	MTG W/BOB MOORE, POST FAIRNESS HEARING HANDLING OF EXHIBITS ETC	01.5
11/16/86	TRAVEL FR NO TO NY	04.5
11/24/86	MOT & MEMO RE DECREE TC W/RON W	02.3
12/1/86	MTG W/RLE RE STIP, DRAFT STIP, TC W/RON WILSON RE SAME, TC W/OP SHERWOOD RE INTENT OF CLAUSE, REDRAFT	03.2
12/3/86	MOT/MEM FOR APPROVAL OF DECR RC W/MILLINER & WISLON RE STEP	02.5
12/5/86	TC W/MILLINER & WILSON	00.5
12/15/86	REVISION OF DECR TC W/WILKS WISLON RE STIP	01.2
12/16/86	DISC/R WILSON RE STIP	00.5

12/30/86	TC W/RON WILSON	00.3
1/8/87	MTG W/RON WILSON, MTG W/SEARS LAW CLERK RE STIP & SIGNATURE PAGE	00.4
1/12/87	TC W/SEARS CLK	00.3
1/14/87	SIGNATURE POS OF DECREE	00.2
1/15/87	LTR TO SEAR RE STIP	00.8
1/16/87	REVISE LTR TO SEAR RE STIP, LTR TO LE HOFFMAN	00.5
1/29/87	T/C W/DW RE RODRIGUEZ	01.3
2/2/87	T/C W/MILLINER RE SUGNATURE OF DECREE, T/C W/R WILSON RE RODRIGUEZ	00.8
2/4/87	T/C W/PETER SHERWOOD RE DEC 82 APPOINTMNT REVIEW OF RODRIGUEZ COMPL & 5TH CIR RULING	00.6
3/11/87	T/C W/SEARS LAW CLK RE SCHED, MTG W/RLE RE PLTF POSITION	00.4
3/23/87	T/C W/RON WILSON RE CONF	00.3
3/25/87	T/C W/WILSON, TRAVEL TO NEW ORLEANS, LESS 1.0 WORKED ON PLANE IN PREP FOR CONF	04.3

3/26/87	PREP FOR CONF ATTEND AT CONF W/SEAR, POST CONF W/MILLINER, TRAVEL FORM MO TO NY	06.4
3/27/87	MTG W/RLE RE STATUS OF CASE	00.3
3/31/87	T/C W/WILSON, REVISION OF DECREE, T/C W/NANCIE MARZULLER (DOJ) RE STIP & RODRIGUEZ	00.9
5/1/87	T/C W RON WILSON & JEANNE MCGLORY, T/C W/MILLINE, RE DECREE	00.8
5/4/87	T/C W/RON WILSON	00.3
5/6/87	T/C W/RON WILSON RE DECREE	00.3
5/20/87	T/C W/RON WILSON JUDGE SEARS LAW CLK RE ERROR IN OPINION	00.5
5/21/87	DISC W/PK	00.3
5/23/87	REVIEW FILE	00.5
5/25/87	LTR TO J SEAR	01.0
5/26/87	T/C W/J SEARS LAW CLK T/C W/R WILSON	00.8
6/10/87	T/C W/R WILSON RE BACKPAY	00.4

6/15/87	T/C W/R WILSON RE PROMOTION	00.3
6/17/87	T/C W/R WILSON & BECHERT RE PROMOTIONS	00.4
7/17/87		00.3
7/29/87	T/C W/J SEARS LAW CLK	00.5
8/26/87	T/C W/R WILSON	00.3
8/27/87	T/C W/R WILSON, T/C TO MILLINER	00.2
8/28/87	T/C W/RON WILSON, CALLS TO MILLINER, OUTZ, T/C W/BELSOM	01.3
8/31/87	T/C W/L SCHACKIN OF CSC, W/OUTTZ RE TEST DEVELOPMENT UNDER DECREE	00.5
9/29/87	MTG W/COMMISSION, MILLINER CHIEF WOODFORK ON DECREE IMPLEMENTATION	01.0
12/1/87	T/C W/OPS	00.5
12/17/87	T/C W/GILBERT JOHNSON RE STATUS	00.4
12/18/87	T/C W/MILLIN,, R WILSON, REV DECREE/FILE	01.0



1/11/88	T/C W/RON WILSON	00.5
1/26/88	T/C W/R WILSON	00.3
2/24/88	T/C W/R WILSON	00.3
3/2/88	BACKPAY	01.0
3/15/88	T/C W/RON WILSON	00.3
3/30/88	T/C W/RON WILSON RE BACKPAY	00.5
4/4/88	T/C W/RON WILSON	00.4
4/6/88	T/C W/OPS RE STATUS	00.2
4/14/88	T/C W/GILBERT JOHNSON ACM	00.4
4/15/88	REVIEW BACKPAY FORMS	00.5
4/17/88	BACKPAY FORMS	00.3
	BACKPAY	00.3
4/18/88	T/C W/R WILSON RE BACKPAY & FEES	00.4
4/19/88	BACKPAY—REV OF CLAIM CORMS, MTG W/PARALEGAL RE SAME	03.0

4/20/88	BACKPAY	04.5
4/21/88	BACKPAY	06.5
4/22/88	BACKPAY	03.0
4/25/88	BACKPAY	00.8
4/27/88	T/C W/RON WILSON, GILBERT JOHNSON RE BACKPAY, T/C W/LARRY WILLIAMS	00.8
5/4/88	BACKPAY	05.3
5/5/88	BACKPAY	05.3
5/6/88	BACKPAY	03.5
5/11/88	BACKPAY	00.5
5/12/88	BACKPAY	04.5
5/20/88	T/C W/ROM WILSON & GILBERT JOHNSON	00.5
5/25/88	LTR TO GILBERT JOHNSON RE B/P	00.8
6/4/88	BACKPAY	02.5

6/6/88	PREP FOR & ATTEND MTG W/ACMS'S	03.0
6/9/88	T/C W/RON WILSON	00.3
6/21/88	T/C W/ACM'S	00.8
6/23/88	T/C W/R WILSON	00.3
6/30/88	T/C W/GILBERT JOHNSON	00.8
7/25/88	BACKPAY	02.0
7/26/88	T/C W/RW, CALC	01.0
7/27/88	BACKPAY	08.0
7/28/88	BACKPAY	01.0
7/29/88	BACKPAY	06.5
7/30/88	BACKPAY	05.0
8/1/88	BACKPAY, T/C W/RW	07.3
8/4/88	T/C W/GILBERT JOHNSON (ACM)	00.3
9/20/88	T/C W/RON WILSON	00.4

9/26/88	T/C W/JEANNE MCG	00.3
10/5/88	T/C W/LARRY WILLIAMS	00.3
10/6/88	T/C W/RW	00.3
10/24/88	T/C W/RON WILSON, T/C W/SEARS CLK RE STATUS CONF	00.5
10/27/88	CONF W/J SEAR	00.5
11/30/88	T/C W/CHIEF WOODFORK	00.3
12/8/88	T/C W/CHIEF WOODFORK	00.3
12/9/88	T/C W/KURT STEINER OFFICE RE B/P	00.3
12/13/88	T/C W/GILBERT JOHNSON	00.4
12/19/88	T/C W/RON WILSON W/CHIEF WOODFORK, BACKPAY TABLES	04.5
12/20/88	BACKPAY, T/C W/WOODFORK, ACMS	09.0
12/21/88	T/C W/RON WILSON, T/C W/CLKS OFFICE RE CLAIM FILING DATE, PACKPAY TABLE	02.5

12/22/88	T/C W/ACM'S, BACKPAY TABLES	07.5
12/23/88	BACKPAY-FINALIZE TABLES	07.5
12/27/88	BACKPAY, T/C W/RW, LYNN SCHACHAI	05.3
12/28/88	BACKPAY, T/C LYNN SCHACKAI	06.0
12/29/88	FINALIZE BACKPAY SCHEDULES, COV LTR XPE TO STEINER	04.5
1/3/89	TC W/RON WILSON RE BACKPAY, FINALIZING BACKPAY LISTS	00.5
1/4/89	T/C W/ACM, T/C W/WOODFORK, REVISE DISTRIB LIST, T/C W/STEINERS OFFICE, T/C W/GILBERT JOHNSON, RON WILSON	04.0
1/5/89	FINALIZE B/P SCHED, T/C W/R W RE ACM MTG & SAME, INSTRUCT PARALEGAL	05.0
1/6/89	B/P CORREX, T/C W/RILEY (ACM)	04.0
1/9/89	B/P SCHED	02.0
1/10/89	LTR TO SEAR, T/C W/CLK	00.5
1/13/89	T/C W/SEARS CLK, T/C W/RLW, DRAFT MOTION RE ACM'S ENTITLEMENT TO B/P	02.0

1/17/89	T/C W/RLW RE B/P CORREX & RE MOTION	00.4
1/18/89	T/C W/RLW, LTRS TO ACM'S T/C W/ACM, LTR TO AFFIANTS	01.2
1/24/89	T/C W/RLW, WOODFORK	00.5
1/25/89	LTR TO AMS	00.8
1/26/89	T/C W/OPS	00.3
1/30/89	RESEARCH ON SEAR-MOTION, T/C W/RLW, T/C W/OPS T/C W/SEAR CLK	03.0
1/31/89	PREP FOR ARG ON MOTION FOR ORDER ON EXCLUDED ACMS REDRAFT SUPPL MEMO, TL TO N.O.,	07.5
2/1/89	HRG ON PLTF MOTION TO DETER SUFF OF AFF, MTG IN RLW'S OFFICE RE SAME, TL BACK TO NY	07.4
2/2/89	T/C W/DALE WILKS RE ACM PRBL & ACADEMY PROBS	00.5
2/3/89	T/C W/GILBERT JOHNSON, WOODFORK, PARALEGAL ASSIGMNT, T/C W/DALE WICKS, RESEARCH	03.4
2/6/89	FINALIZE B/P SCHED, T/C W/WOODFORK, RE B/P & VIOLN OF CONSENT DECR MEMO TO FILE RE	02.0

	SAME, LTR TO CAO RE B/P	
2/7/89	B/P SCHED, LTR TO ACMS	03.5
3/8/89	T/C W/RON W, MEMO ON INTEREST	01.0
3/9/89	DISC B/P W/RLE & RLW, LTR TO G BLAIR	00.8
3/10/89	X C W/RLW, BLAIR, CALC	01.5
3/13/89	T/C W/RLW, REVISE MOTION ON INTERP OF DECREE, DRAFT OPS AFF AFT T/C W/SAME	05.3
3/14/89	MEMO OF LAW, RESEARCH, FINALIZE MOTION TO ENFORCE DECR, T/C W/SEARS LAW CLK, T/C W/RLW	03.0
4/3/89	LTR TO BLAIR RE STTLMNT OF B/P ISSUE	00.5
4/6/89	T/C W/GEO BLAIR RE B/P	00.3
4/10/89	LTR TO BLAIR RE DISTRICT CKS, NOTICE TO CLASS	00.5
5/2/89	B/P QUESTIONS FROM ACMS	00.4
5/3/89	B/P QUESTIONS FORM ACMS	01.0
5/4/89	T/C W/R WILSON, QUESTION RE B/P	02.0

	T/C W/LYNN SCHACKAI FR CSC RE B/P SCHED	00.3
5/12/89	ACMS QUESTIONS	00.5
6/28/89	DISC W/PARA HANDLING ACM QUESTION	00.3
7/12/89	T/C W/R WILSON RE B/P Q'S	00.2
7/14/89	T/C W/ACM	00.3
10/3/89	FEE CALC.	00.40
6/4/90	TC W/RLW RE SGT. EXAM ANNOC. (ADDN OF EXPERIENCE); TC W/RLW	00.50
6/6/90	TC W/JIM OUTTZ (PSYCHOMETRICIAN) RE SGT EXAM REQUIREMENTS (.5); TC W/RON WILSON RE SAME (.3)	00.80
6/8/90	TC W/CSC RE SGT ANNOC	00.40
6/11/90	TC W/OPS RE DECREE PROV. (.4); TC W/RLW (.4)	00.80
7/5/90	TC W/RLW	00.30
7/17/90	TC W/RLW	00.30
10/18/90	TC W/R. WILSON & MELVIN HOWARD RE	00.50



SELECTION & DECREE IMPLEMENTATION

2/7/92	TC W/RON WILSON & CHIEF RE ADD'L POSITIONS & T/O; TC W/RON WILSON RE SELECTION PROC. MONITORING	01.00
2/25/92	TC W/R. WILSON	00.20
5/12/92	LTR TO CITY ATTY RE FEES—MTG SETUP	00.50
5/18/92	PREP FOR MTG W/CITY ATTY ON FEES; GATHER MATERIALS; REDRAFT LTR	02.50
5/19/92	PREPARATION OF FEE MATERIALS; TCW/G. STRICKLER RE LEGAL ISSUES (.5)	05.50
5/20/92	PREP. FEE MATERIALS (.8); TC W/TOPKIS (.2); OFFICE RE AFFIDAVIT ON NY RATES (.2); CONF. W/CSR (.2); TCW RLW	01.20
5/21/92	FEE REQUEST (4.0); LTR TO C. COTTON (.3)	04.30
5/22/92	TL TO N.O FR. N.Y FOR MTG W/AARON (4.0); REVIEW OF FEE MATERIALS IN PREP FOR MTG (.5)	04.50
5/25/92	PREP FOR MTG	00.50
5/26/92	RECALC. FEES (.3); MTG W/AARON, PENDERGAST; BAGNERIS, WILSON RE FEE DEMAND (1.3); TL TO MTG (.2); TL FR. NO TO NY (5.0)	06.80

6/8/92	RESEARCH ON FEES (1.5); MET W/PARALEGAL ON FEE CALC (.5)	01.00
6/10/92	DISC. FEES W/CSR	00.30
6/11/92	TCW/RLW RE FEES	00.30
6/12/92	FEES; DISC. W/CSR	00.80
7/1/92	DISC FEES W/CSR; REVIEW HOURS	01.00
7/2/92	REVIEW HOURS TO DEDUCT ON CERTAIN ISSUES (.5); TC W/RLW (.2), LTR TO BAGNERIS (.3)	01.00
7/6/92	RESEARCH ON FEES	01.80
7/7/92	RESEARCH; TCW/TOPKIS OFFICE RE AFF. ON NY RATES	06.50
7/8/92	PREPARATION OF FEE PETITION	06.00
7/13/92	PREP FEE MOTION	08.80
7/16/92	TCW/RLW RE FEES	00.30
7/21/92	TC W/RLW	00.30
7/22/92	TC W/MAGIS CHAMBERS ON STATUS CONF (.2);	01.00

TCW/RLW RE SAME (.3); CONF. CALL W/RLW &  
TYRONE BESHEARS (ACM) RE CONSENT DECREE  
PROVISIONS—INTERP. (.5)

7/29/92	TCW/BRETT P. RE CONFERENCE SCHEDULING; TCW/RLW RE SAME	00.60
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7/31/92	TCW/BRETT P. RE CONF.	00.30
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8/4/92	TCW/RLW RE CONF.	00.40
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8/5/92	TL W/D. CT. CLK RE DOCKET SHEET	00.30
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8/10/92	MTG W/LAW STUDENT RE RESEARCH ON FEE ISSUES	00.50
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8/12/92	FEE MOTION AMENDMENT	00.50
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Total:		456.00
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EXHIBIT B

**WILLIAMS V. NEW ORLEANS**

**TRACEY HOLLINGSWORTH**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>
5/15/89	T/C, LOOKED UP SCHED, DID RESEARCH	06.0
5/16/89	T/C, DID RESEARCH, RE LOOKED UP SCHED	02.0
5/17/89	TOOK NOPD T/C RESEARCH, SENT OUT LTRS	04.0
5/18/89	T/C, SENT OUT LTRS, DID RESEARCH	02.0
Total:		14.00

**EXHIBIT C**

**Dates, Services Rendered, and Time Spent**

**by Jeh Johnson in *Williams v. New Orleans***

**Williams v. City of New Orleans, Not Reported in F.Supp. (1995)**

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<b>DATES</b>	<b>SERVICES RENDERED</b>	<b>HRS.</b>
5/26/81	Research/Writin g	8
5/27.81	" "	8
5/28/81	" "	8
5/29/81	" "	8
Total		32

**EXHIBIT D**

**Williams v. City of New Orleans**

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**Statement of Time**

MAHMOOD NAJAFI

1981		Services Performed	Hours
April	2	Computer Based Analysis	7.0
	4		
	2	"	7.0
	7		
	2	"	7.0
	9		
May	1	"	6.0
	4	"	6.0
	6	"	6.5
	8	"	6.5
	1	"	7.0
	1		
	1	"	6.5
	3		
	1	"	3.5
	6		
	1	"	7.0
	8		

**Williams v. City of New Orleans, Not Reported in F.Supp. (1995)**

## EXHIBIT E

### Dates, Services Rendered, and Time Spent

by Gregory Weston in *Williams v. New Orleans*

DATES	SERVICES RENDERED	H RS .
7/31/81	Research	8
8/3/81	"	8. 5
8/4/81	"	8
8/6/81	"	8
8/7/81	"	8
8/10/81	"	8
8/11/81	"	8
8/12/81	"	8
8/13/81	"	8



8/14/81

"

8

Total

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80  
.5

Not Reported in F.Supp., 1995 WL 33706

#### All Citations

#### Footnotes

<sup>1</sup> Prior to this date, the LDF served in an advisory capacity to plaintiff's counsel in this litigation. However, Sherwood did not become counsel of record until September 9, 1980.

<sup>2</sup> See Record Document No. 821.

<sup>3</sup> The majority of plaintiffs' miscellaneous request include expenses for overnight/express mail and meals.

<sup>4</sup> Each section of the second decree discussed below appeared identically in the first decree unless otherwise noted.

<sup>5</sup> Although plaintiffs' summary table only seeks compensation for 615.4 hours expended by Reed, the total of Reed's individual time submissions equals 645.4 hours. See Plaintiffs' Supplemental Motion for Attorney's Fees and Expenses.

<sup>6</sup> Some courts have held that rates other than those of the forum may be used if local counsel was unavailable, either because they are unwilling or unable to perform because they lack the degree of experience, expertise, or specialization required to properly handle the case. See *e.g. Gates*, 987 F.2d at 1405. Plaintiffs have failed to demonstrate that counsel in New Orleans was unavailable to handle this case. Moreover, my own experience convinces me that ample expertise was available locally to handle this lawsuit.

<sup>7</sup> I note that Judith Reed's legal services were recently valued at \$105.00 an hour for a case involving the Voters Rights

Act of 1965, 42 U.S.C. § 1973(a). See *Mississippi State Chapter Operation PUSH v. Mabus*, 788 F.Supp 1406, 1421 (N.D.Miss.1992). This rate was based upon the prevailing rate in the Northern District of Mississippi, the forum district.

- <sup>8</sup> Ronald Wilson was local counsel in this action. However, as he admitted throughout his deposition, LDF attorneys performed the majority of the substantive legal work required. See Deposition of Ronald Wilson at 70, 77–78. Accordingly, I value Wilson’s services at somewhat of a lower rate than lead counsels’.