

103 F.3d 125

This case was not selected for publication in the
Federal Reporter.

Not for Publication in West's Federal Reporter See
Fed. Rule of Appellate Procedure 32.1 generally
governing citation of judicial decisions issued on or
after Jan. 1, 2007. See also Fifth Circuit Rules 28.7,
47.5.3, 47.5.4. (Find CTA5 Rule 28 and Find CTA5
Rule 47)

United States Court of Appeals,
Fifth Circuit.

Larry WILLIAMS, Gustave Thomas; Willie Carter,
Jr.; Edgar Morgan, Jr.; Ronald Bechet, Sr.;
Patricia Lebeaux; Jeanne McGlory, On behalf of
themselves and all others similarly situated,
Plaintiffs-Appellants,

v.

CITY OF NEW ORLEANS, A Municipal
corporation, Defendant-Appellee.

Marc Morial, In his capacity as Mayor of New
Orleans, Richard Pennington, As Superintendent
of Police of New Orleans; New Orleans Civil
Service Commission; Sydney H. Cates, IV,
Chairman, New Orleans Civil Service Commission;
Gerri M. Elie, Doctor; Williams R. Forrester, Jr.;
Glenda Jones Harris; John P. Nelson, Commission
Members. Defendants.

No. 95-30380.

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Nov. 21, 1996.

Appeal from the United States District Court For the
Eastern District of Louisiana (73-CA-629).

Before WISDOM, EMILIO M. GARZA, and PARKER,
Circuit Judge.

Opinion

PER CURIAM:*

*1 This class action was begun in 1973 by local counsel
challenging racial discrimination in promotions and
conditions of employment in the New Orleans Police

Department, pursuant to Title VII of the civil Rights Act
of 1964, and 42 U.S.C. §§ 1981 and 1983. The plaintiff
class was decertified for lack of adequate representation,
then recertified in 1980 when the case was taken up by
attorneys for the NAACP Legal Defense and Educational
Fund. Two years later, the parties entered into a proposed
consent decree, which was rejected by the district court in
a decision that we ultimately affirmed en banc.¹ In 1986
the parties entered into a revised consent decree, which
was approved by the district court a year later. In 1992 the
plaintiffs filed a motion for an award of attorneys' fees
and costs, pursuant to 42 U.S.C. § 1988. The plaintiffs
sought an award of \$973, 904 in attorney's fees, paralegal
costs, and litigation expenses. The plaintiffs now appeal
the district court's award of only \$108,971 for attorneys'
fees and \$12,813 for costs.

Determination of an award for attorneys' fees requires a
two-step procedure. First, the district court must
determine the reasonable number of hours expended on
the litigation.² It is well-settled that attorneys' fees must
be awarded only for those hours that are reasonably
necessary to adequately prosecute the case.³ Second, the
district court must determine the reasonable hourly rates
for the participating attorneys.⁴

Our review of § 1988 fee awards is highly deferential. We
review an award of attorney's fees for abuse of
discretion.⁵ We review the district court's determination
of reasonable rates and hours reasonably expended for
clear error.⁶

Reviewing the record as a whole, we find no clear error in
the district court's calculation of the number of hours
reasonably expended on the litigation, and we find no
clear error in the district court's calculation of the
reasonable hourly rates of the participating attorneys.
Accordingly we hold that the district court did not abuse
its discretion in its award of attorneys' fee and costs.

We AFFIRM.

All Citations

103 F.3d 125, 1996 WL 731451

Footnotes

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

¹ *Williams v. City of New Orleans*, 729 F.2d 1554 (5th Cir.1984).

² *Hensley v. Edkerhart*, 461 U.S. 424, 433, 103 S.Ct. 1933, 1939, 76 L.Ed.2d 40, (1983).

³ *Id.* at 434, 103 S.Ct. at 1939.

⁴ *Louisiana Power & Light co. v. Kellstrom*, 50 F.2d 319, 324 (5th Cir.), *cert. denied sub. nom., L.k. Comstock & Co., Inc. v. Louisiana Power & Light Co.*, 516 U.S. 862, 116 S.Ct. 173, 133 L.Ed.2d 113 (1995).

⁵ *Associated Builders & Contractors of Louisiana, Inc. v. Orleans Parish School Bd.*, 919 F.2d 374, 379 (5th Cir.1990).

⁶ *Louisiana Power and Light v. Kellstrom*, 50 F.3d 319, 324 (5th Cir.1995); *Watkins v. Fordice*, 7 F.3d 453, 457 (5th Cir.1993); *Shipes v. Trinity Industries*, 987 F.2d 311, 319 (5th Cir.1993).