

IN THE DISTRICT COURT OF THE UNITED STATES **FILED**
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SEP 2 1979 *fm*

ROBERT E. BULLINGTON, et al.,)

Plaintiffs,)

vs.)

WARDEN MORELAND, et al.,)

Defendants.)

Consolidated With

RONNIE JOHNSON, et al.,)

Plaintiffs,)

vs.)

WILLIAM O'BRIEN, et al.,)

Defendants.)

Consolidated With

WILLIAM J. BRUCE,)

Plaintiff,)

vs.)

ST. LOUIS COUNTY DEPARTMENT OF
JUSTICE SERVICES, et al.,)

Defendants.)

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

No. 79-650 C (1)

Johnson v. O'Brien



JC-MO-010-057

No. 76-210 C (1)

No. 82-223 C (1)

APPLICATION AND PETITION OF JOHN P.
EMDE FOR ALLOWANCE OF ATTORNEYS FEES

Comes now John P. Emde, a member of the bar of this Court,
and makes application for allowance of fees for representation
of plaintiffs in this class action and petitions the Court as
follows:

1. Petitioner is one of the attorneys appointed to represent the members of the plaintiff class in this action, having been appointed by the Court on or about September 23, 1980.

2. Petitioner is a member of the Bar of the State of Missouri and of this honorable Court and also enrolled to practice before the United States Court of Appeals for the Eighth Circuit, having been admitted to the Missouri Bar in 1955; petitioner has practiced in the State and Federal Courts with the firm of Armstrong, Teasdale, Kramer & Vaughan continuously from and after his admission to the Bar as aforesaid.

3. From and after his appointment in this case, petitioner has worked with James L. Thomas, a member of this Bar, who is not otherwise associated with petitioner; petitioner and Mr. Thomas worked together in the representation of plaintiffs in this action.

4. Subsequent to September 23, 1980 through the date hereof petitioner has expended in excess of 261.4 hours in the representation of said plaintiffs; said services having included appearances in Court for formal or informal matters or conferences with the Court on thirty-five (35) separate dates; in addition, petitioner has physically inspected, visited or conferred with plaintiffs at the St. Louis County Jail in Clayton, Missouri on twenty-three (23) separate dates.

5. The services of petitioner were rendered in parts of four calendar years, during which calendar years 1980 through 1983 respectively the established hourly rate per hour of petitioner was \$83 per hour, \$93 per hour, \$112 per hour and \$118 per hour respectively; the services of petitioner were billed to regular

clients of Armstrong, Teasdale, Kramer & Vaughan at the aforesaid rates for services of petitioner during the years herein stated and the aforesaid rates are the actual and customary charges made by petitioner to clients during said time period.

6. The issues involved in this action were substantial and somewhat complicated and required extensive investigation, conferences and negotiations in order to present the issues raised by plaintiffs, and in particular to, where possible, engage in extensive, complicated and sometimes difficult negotiations with the defendants resulting in the entry of orders favorable to plaintiffs.

7. Attached hereto is an itemized statement indicating the dates on which services were rendered, the time expended and a description of the services so rendered; also attached is an itemization by years and hours indicating the respective hourly rates per year; petitioner states that the charge of \$26,393.50 is reasonable for the services rendered by him to plaintiffs in this action.

8. Petitioner is entitled to allowance of a fee for services rendered as attorney for plaintiffs in this action because of the nature and character of plaintiffs' complaints, the nature and character of the favorable relief obtained on behalf of plaintiffs and because the services were of substantial value to plaintiffs.


9. The itemized statement attached hereto, together with the Summary of Hours, is hereby incorporated by reference.

10. The services of petitioner and co-counsel, James L. Thomas, were not duplicated, with the exception of certain Court appearances

or other services which were required to be performed simultaneously by both counsel in the interest of adequate representation of plaintiffs.

11. Petitioner has also expended personally from his own pocket the sum of \$207.90 as expenses for photographs and copying charges for which petitioner seeks reimbursement.

WHEREFORE, applicant and petitioner John P. Emde moves the Court to enter its order directing defendants to pay the sum of \$26,601.40 to John P. Emde as reasonable attorneys fees and expenses advanced in representing plaintiffs in this action and for such other and further orders as the Court deems just and proper in the circumstances.



John P. Emde
611 Olive Street, Suite 1900
St. Louis, Mo. 63101
621-5070
Attorney for Plaintiffs

Of Counsel:

ARMSTRONG, TEASDALE,
KRAMER & VAUGHAN

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

The undersigned, John P. Emde, of lawful age, being first duly sworn upon his oath, states that he is a member of the Bar of this Court and that he has prepared and executed the foregoing Application and Petition for Allowance of Attorneys Fees and that all statements contained therein are true and accurate to the best of his knowledge, information and belief.



John P. Emde

Subscribed and sworn to before me, a notary public in and for the City and State aforesaid, this 21st day of September, 1983.

Jeanne M. Timme

Notary Public

JEANNE M. TIMME

My commission expires:

NOTARY PUBLIC—STATE OF MISSOURI

ST. LOUIS COUNTY

MY COMMISSION EXPIRES 1/21/85

A copy of the foregoing mailed this 21st day of September, 1983 to James L. Thomas, 225 S. Meramec, Suite 426T, Clayton, Mo. 63105 and to Donald J. Weyerich, 11 South Meramec, Clayton, Mo. 62105 and to Mr. Thomas W. Wehrle, St. Louis County Counselor, 7900 Carondelet, Clayton, Mo. 63105.

John E. Eme

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FED. I.D. 43-1274026

Description of services rendered by John P. Emde in connection with Robert E. Bullington, et al. vs. Warden Moreland, et al., Cause No. 79-650 C (1) and Ronnie Johnson, et al. vs. William O'Brien, et al., Cause No. 76-210 C (2) in the District Court of the United States for the Eastern District of Missouri, Eastern Division

DATE	TIME EXPENDED	DESCRIPTION OF SERVICES RENDERED
9-23-80	1.0	To Courthouse to pick up file from Judge Nangle's Clerk; review same
12-11-80	6.5	To Courthouse to review Amended Answers; conference with Judge Bahn, James Thomas, Donald Weyerich; telephone call with Mr. Weyerich; to County Jail to investigate and interview Mr. Bullington, Mr. Franco, Fred Robinson, Rob Gronnella, Brian Newman, Raymond Vogt; conference with head steward and Mr. Moreland
12-29-80	1.5	Prepare pleading indicating compliance of Mr. Emde with order of Court; letter to Mr. Weyerich; letter to Mr. Thomas; to Courthouse to file compliance pleading; conference with Judge Bahn's Clerk
1-13-81	1.0	To County Courthouse for conference with Mr. Moreland's office and obtain Standards for Adult Correctional Institutions published by Department of Justice
1-14-81	.1	Review letter from Judge Bahn
1-28-81	.3	Telephone calls with Judge Bahn (2) re visitation to Jail; attempt telephone call to Mr. Thomas re same
1-29-81	.3	Telephone conference with Mr. Thomas; telephone conference with Judge Bahn's secretary
2-3-81	5.0	To St. Louis County Jail for inspection; conference with Judge Bahn, Mr. Thomas, John Harting, Mrs. Brown (social worker), Mr. Simmons (guard) and others; additional conference with Mr. Thomas re tactics, strategy, evidence, etc.

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3-9-81	5.5	Telephone conference with Mr. Thomas; telephone conference with Mr. Thomas and Mr. Weyerich; telephone conference with Jerry Koester; to County Jail for inspection; conference with Mr. Moreland and obtain photos; attempt conference with Ricky Rich
3-10-81	7.0	Review file; review Answers to Interrogatories; telephone conference with Mr. Koester re photos; review Standards for Adult Correctional Institutions published by Commission on Accreditation for Corrections; telephone conference with Commission Secretary; telephone call to Commissioner Dale Secrest; to Courthouse to review plans and specifications; prepare memo re capacity; telephone conference with John Hartner at County Jail re specification of capacity areas
3-11-81	10.0	Prepare memo re physical conditions of Jail; telephone conferences with Mr. Thomas (2); legal research re statutory tests; legal research re law libraries and constitutional rights thereto for pre-trial detainees; several telephone conferences with jail officials; to County Jail for inspection, including review of visiting procedures, conditions at night, use of gymnasium, etc; interview Mr. Bullington and Mr. Sissler; interview Capt. Goforth (shift commander) additional conference with Mr. Thomas in preparation for trial
3-12-81	8.5	To Federal Court for partial trial of Bullington vs. McNary; conference with Mr. Bullington, Mr. Sissler and Mr. Thomas; additional conference with Judge Bahn, Mr. Weyerich and Mr. Thomas
3-13-81	2.0	Telephone conference with Mr. Thomas re additional measures to be taken, additional investigation, etc; review file; prepare for post-trial matters, etc.

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3-16-81	6.5	Telephone conferences with Mr. Thomas (2) re status of investigation, evidence, etc; conference with Judge Bahn re developments and date of hearing; to County Jail to interview south module residents
3-18-81	1.0	Long telephone conference with Mr. Thomas re status of matters, re psychiatrist's testimony, re interview of juvenile residents
3-20-81	.5	Investigation re psychiatrist, identification, etc.
3-23-81	6.5	Legal research; telephone conferences with Mr. Thomas (2); conference with Mr. Kellett; to County Jail for inspection of premises including operation of gymnasium; conference with Mr. Bullington, O.C. Brown, Rob Gronella, Ron Stergion, Mark Collins and Supervisor Goforth
3-24-81	4.5	Attempt tleephone call to Mr. Thomas; attempt telephone call to Mr. Weyerich; to County Juvenile Court; long conference with Judge Corrigan; tour and inspection of entire juvenile premises; obtain copies of Court Orders re certified juvenile
3-25-81	8.0	To Courthouse for conference with Magistrate's secretary and Clerk re Writs of Habeas Corpus for witnesses to attend hearing; several conferences with Mr. Thomas re trial of case; legal research; to County Jail for inspection; conference Mr. Stergion, Rich Harris, O.C. Brown, Mr. Bullington, Capt. Tom Goforth; inspect various sections of institution
3-26-81	4.5	Several telephone conferences with Mr. Thomas; office conference with Mr. Thomas re tactics, strategy, etc; legal research; review entire Standards for Adult Correctional Institutions; several conferences with Mr. Sturgeon
3-27-81	8.0	Several conferences with Mr. Thomas, Mr. Weyerich and Judge Bahn; conference with Messrs. Bullington, Sissler, Sturgeon, Gonnella, Brown re partial trial of case

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3-30-81	3.0	Review file; to County Jail to inspect intake unit, roster; conference with Ron Sturgeon
3-31-81	6.0	Review letter from Mr. Bullington; review jail rules re strip searches; letter to Mr. Bullington; telephone calls to Don Weyerich (2); conference with Mr. Moreland's office; to County Jail; conference with Mr. Moreland; obtain copy of Pearce report and confer with Messrs. Bullington, Sturgeon, Collins, Horner in infirmary; conference with O.C. Brown, Rich Harris; long conference with Kevin Ryan (C.O.); conference with intake supervisor
4-1-81	7.0	Read portions of Pearce report and obtain copies; conference with Judge Bahn re further action to be taken; to County Jail for conference with Messrs. Bullington, Sissler, Sturgeon, Rich Harris and Matthew Harris, Vaughan (supervisor), Thomas (intake correctional officer) and desk man; inspect intake area, confer prisoners, Roger Weston, intake unit and others
4-2-81	4.5	Telephone conference with Mr. Thomas; conference with Mr. Thomas; telephone conference with Mr. Moreland advising him of newspaper interest; telephone conference with Mr. Weyerich re meeting; review portions of Pearce report
4-3-81	6.0	Telephone conferences with Mr. Thomas re interview of psychiatrist and psychologist, additional facts for record, tactics and strategy, etc; review portions of new rule; long letter Mr. Bullington; long telephone conference with Mr. Weyerich; to County Jail for inspection of intake facilities at peak hour; interview C.O. Vince Vaughn and Kevin Ryan; conference with Messrs. Sturgeon, Gonnella, Harris; inspect facilities
4-6-81	.2	Telephone call with Judge Nangle's secretary re meeting
4-7-81	.2	Message from Mr. Thomas

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4-8-81	1.0	Telephone conference with Mr. Weyerich; telephone conference with Mr. Thomas re status of case, discovery, proceedings, meeting with Judge Nangle
4-10-81	3.0	To County Jail for conference with Mr. Bullington; conference with Messrs. Vaughan, Ryan, intake unit personnel, Sturgeon, Brown, Harris, Hall
4-15-81	2.0	Telephone conference with Mr. Thomas; to Courthouse for conference with Judge Nangle, Mr. Wehrle, Mr. Weyerich, Mr. Thomas; conference with Mr. Nangle
6-26-81	10.0	To Courthouse for conference with Judge Nangle, Judge Bahn, Mr. Wehrle and Mr. Thomas re status of jail case; to County Jail for inspection of entire premises; conference with Mr. Bullington; conference with Michael Davis; conference with Messrs. Goforth, Vaughn, Kevin Ryan, Bob Haupp and other personnel; interview intake prisoners, etc.
6-30-81	2.5	To Judge Bahn's chambers for conference with Judge Bahn (nonappearance of other counsel); obtain census report from Judge Bahn and make analysis thereof by length of confinement, classification of charge and amount of bond; additional conference and research
7-1-81	1.5	Prepare for pre-trial meeting
7-2-81	4.0	To Judge Bahn's office for conference with Mr. Thomas, Mr. Weyerich, Judge Bahn and law clerk re proposed Findings of Fact and preliminary report to Judge Nangle; additional conference with Mr. Thomas; legal research re Supreme Court case, Rhodes case; conference with Judge Carl Gaertner re City docket for criminal cases and disposition rates; additional conference with Judge Bahn re same
7-3-81	2.0	Read Rhodes case and make analysis of same; review square footage computations, documents, exhibits, etc.

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7-13-81	5.5	Conference with Judge Litz and Mr. Ruhland, County Court Administrator, re County docket situation, statistics, etc; to County Jail for inspection of yellow zone, check census figures; check intake unit; conference with various officers; to Judge Bahn's office for delivery of statistics on County Courts; conference with Judge Gaertner re City docket situation
7-14-81	1.0	To Circuit Court administration office; conference with Richard Klasick re City Circuit Court statistics for disposition of felony cases, etc.
7-15-81	1.5	To Courthouse for conference with legal counsel for Circuit Clerk Mr. Bush; obtain statistics from City Courts; to federal building to attempt to confer Judge Bahn
7-16-81	2.0	To Courthouse for conference with Judge Gaertner; to federal building for conference with Judge Bahn; review draft of proposed interim report
7-29-81	2.0	To Courthouse for conference with Judge Nangle, Mr. Thomas, Mr. Wehrle and Judge Bahn; appearance in Court for receipt of Magistrate's report; additional conference with Judge Nangle and Mr. Thomas re press coverage
8-6-81	.5	Telephone conference with Mr. Hartner at Dept. of Justice Services re renovation of yellow zone intake cells and requested inspection thereof, and re additional possible changes
8-10-81	1.5	To Courthouse for entry of Order extending time within which to file response to Magistrate's report; telephone conference with Mr. Thomas re same; telephone conference with Mr. Weyerich re same
8-13-81	1.0	Long telephone conference with Mr. Bullington re results of bond issue election, tentative procedure, analysis of Judge Bahn's report and action to be taken in response thereto; also discuss physical changes in Jail

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8-24-81	6.0	Review report of Magistrate; telephone conference with Mr. Weyerich re response of County; review portions of file for statistical information; to Courthouse for conference with Judge Bahn's Clerk; telephone conference with Judge Bahn; prepare Response of Plaintiffs and redraft thereof; to Courthouse to file same; telephone conferences with Mr. Thomas (2) re same
9-22-81	5.0	Inspection of County Jail and observe operation of intake unit, observe repainting and redecorating of Close Security; interview Messrs. Gronnella, Day, Daniel Reap, Pete Hall; confer employees, etc.
9-23-81	1.0	Telephone conference with Mr. Thomas re status of matters, additional investigation; conference with Judge Bahn re status of matters, further investigation, further hearing, proceedings, change of facts
10-26-81	2.0	To County Jail for inspection of all areas; conference with Ms. Brown re changes, housing of juveniles, etc.
3-29-82	4.5	Inspect Jail and interview various inmates, obtain copy of census and body count in intake unit (3-28-82); conference with Judge Bahn re visit to jail and body count and status of matters
3-31-82	4.0	To County Jail for inspection; discuss with Capt. Tom Goforth events of day including numerous fires, "pork-jello"-moorish syndrome; interview residents Joseph Perrone and John Methfessel; interview other guards; inspect intake unit (population 154 males, 5 females plus 17 in intake unit); Gumbo population on same day 193 males and 30 females
6-17-82	4.0	To County Jail for census; long conference with Mrs. Kay Brown re classification system and changes thereto in particular with relation to certified juveniles; discuss problems with influx of homosexuals commencing Feb., 1982; conference with Capt. Pearce and guard; conference with resident John Methfessel; inspection of entire premises including intake unit and yellow zone; review rosters

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7-22-82	.5	Telephone conference with Judge Bahn's Clerk re pretrial meeting; telephone conference with Mr. Thomas re same
7-23-82	1.5	To Courthouse for conference with Judge Bahn, Mr. Weyerich, Mr. Moreland and Mr. Thomas
12-1-82	5.0	Telephone conferences with Mr. Thomas (2) re status of matters, drafts of proposed documentation; telephone conferences with Mr. Weyerich (2) re same; telephone conference with Judge Bahn's secretary; to Courthouse for conference with Judge Bahn re status of matters, procedure; inspection of County Jail; conference with Mr. Thomas, Capt. Bordeaux, resident John Lynch; inspect all areas of confinement
12-2-82	1.5	To Courthouse; conference with Judge Bahn re results of inspection, reduced population, necessity for notice, meeting with Judge Nangle; conference with Judge Nangle's secretary re request for pre-trial conference; telephone conference with Mr. Thomas re status of matters; to Clerk's office to check Court file re minute entries, orders, etc.
12-6-82	1.0	Telephone conference with Judge Nangle's secretary re meeting; conference with Judge Bahn re same; telephone conference with Mr. Weyerich; telephone conference with Mr. Thomas
12-7-82	2.0	To Courthouse for conference with Judge Nangle, Judge Bahn, Mr. Thomas; telephone conference with Mr. Weyerich; additional conference with Mr. Thomas
12-11-82	3.0	Review file; review report of Magistrate; review Judgment in Johnson case; research Missouri statutes re segregation of juveniles; read State vs. Kemper; compare notes for drafting of Stipulation
12-14-82	1.5	Review documents with respect to possible consent decree; telephone conference with Ms. King re copy of library list in Tyler v. Saitz; telephone conference with Mr. Thomas re same; additional telephone conference with Mr. Thomas re dictation of library list; prepare for pre-trial conference

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12-15-82	3.0	Work on file; assemble documents, outline materials
12-16-82	1.5	Conference with Judge Bahn, Judge Nangle, Mr. Thomas; telephone conferences with foregoing and Mr. Weyerich; additional conference with Court; additional conference with Mr. Thomas
12-17-82	2.0	Assemble documents; draft of documents; review order of Judge Hungate; to Courthouse for review of file of William Bruce v. McNary; attempt conference with Judge Bahn; attempt conference with Judge Nangle; additional work on proposed decree
12-21-82	4.5	Work on documentation drafts; telephone conference with Mr. Moreland re facts; review numerous exhibits; prepare drafts of Stipulations
12-22-82	1.2	To Courthouse for conference with Judge Nangle re various questions involved in mechanics of submission of jail case including questions with respect to Bruce v. McNary, interpretation of "daily" review of medical slips and questions re form of proposed submission to Court
12-24-82	3.5	Dictate first draft of portions of Stipulations; review portions of file
12-26-82	2.5	Work on proposed Stipulations
12-27-82	3.5	Work on Stipulations; conference with Judge Bahn
1-5-83	4.0	To County Jail for inspection, inspect food services cleanliness, operation of washers, make list of books in law library; conference with Ms. Brown re handling of juveniles; obtain census report and make analysis thereof
1-7-83	4.0	To County Jail for conference with Ms. Brown; additional conference with Mr. Moreland re library; interview M. Ridgeway; attend screening of J. Macklind by Ms. Brown; conference Mr. Simmons; inspect food and service; inspect law library
1-14-83	1.5	Redraft portions of proposed Stipulation
1-28-83	2.0	Attempt telephone call to Mr. Weyerich; review and draft of Stipulations

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2-3-83	1.0	Telephone conference with Judge Bahn's secretary; attempt telephone call to Mr. Weyerich; review portions of documents
2-8-83	1.5	Redraft of proposed Stipulation and conference with Mr. Thomas
2-10-83	1.0	Review redraft of documents; attempt telephone call to Mr. Weyerich
2-11-83	1.0	Attempts to reach Mr. Weyerich by phone (3); letter to Mr. Weyerich; review documents
2-14-83	.5	Conference with Judge Bahn re status of matters; telephone conferences with Mr. Weyerich's office (3)
2-15-83	.5	To Courthouse for conference with Judge Bahn re status of case; attempt telephone call to Mr. Weyerich
2-16-83	1.0	Numerous attempts to reach Mr. Weyerich; to Courthouse for conference with Judge Bahn re status of case
2-25-83	.5	Attempt to telephone Judge Bahn; attempt telephone call to Mr. Weyerich
2-28-83	.5	Telephone conferences with Don Weyerich (2) re meeting; review documentation; conference with Judge Bahn's secretary re status of case
3-1-83	3.5	To Mr. Weyerich's office for conference with Mr. Weyerich and Mr. Moreland; review proposed Stipulation; discuss juvenile detainee questions; to County Jail for inspection of present law library with Mr. Moreland; conference with Mr. Moreland and Ms. Brown; attempt to telephone Mr. Weyerich; conference with Judge Bahn re juvenile question and status of case
3-2-83	1.5	To Courthouse for conference with Judge Bahn re juvenile question; check Magistrate's office and Clerk's office for file for dates of hearings; identify exhibits for Stipulation; review portions of Stipulation
3-3-83	1.0	Telephone conference with Mr. Weyerich re status of matters; additional telephone conferences re potential timing of submission of case

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3-10-83	3.5	To Court for conference with Judge Bahn; attempt telephone call to Mr. Thomas and Mr. Weyerich; review draft of proposed Stipulation, exhibits, etc.; redraft documents
3-11-83	4.5	Redraft proposed Stipulation; conference with Judge Bahn re same; to Courthouse to deliver copies to Judge Bahn for his review; telephone conference with Mr. Weyerich's secretary; review prior drafts and rules
3-12-83	1.0	Review entire Stipulation of the Parties and prepare schedule analyzing various issues for determination for use by Court in review of documents
T 3-14-83	1.0	To Courthouse for conference with Judge Bahn and to deliver schedule of issues for determination for use by Court in considering Stipulation of the Parties; discuss procedures, mechanics, motions for attorneys' fees
3-15-83	1.0	Telephone conference with Mr. Thomas re procedures, Stipulation of the Parties and Petitions for Attorneys' Fees; discuss amounts of claims, status of case, contact with clients, etc.
3-18-83	.1	Telephone conference with Mr. Weyerich
3-21-83	.3	Telephone conference with Mr. Weyerich
3-23-83	.2	Telephone conference with Mr. Weyerich
6-22-83	2.5	Telephone conference with Judge Bahn's secretary; telephone conference with Earl Raney; telephone conference with Mr. Weyerich; telephone conference with Judge Nangle and Mr. Weyerich; review draft of Stipulation of the Parties; prepare corrections thereto and obtain additional copies; letter to Mr. Weyerich transmitting copies of Stipulation; telephone conference with Mr. Thomas re entry of Order, etc.
6-30-83	.5	Telephone conference with Mr. Weyerich re various matters, inspection of library, analysis of language re library, attorneys' fees, procedures, Stipulation

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7-20-83	.5	Telephone conference with Judge Nangle re status of case, procedure, posting notices, etc.
8-11-83	1.5	Telephone conferences with Mr. Weyerich (2); telephone conferences with Mr. Thomas (2); message from Judge Nangle; review Stipulation and arrange for execution thereof
8-12-83	1.0	To Courthouse for appearance in Court; conference with Judge Nangle and counsel

Total For Services	\$26,393.50
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Disbursements:

To Lawyers Photo Service	\$132.00	
Copying Expense	<u>75.90</u>	
	\$207.90	\$ <u>207.90</u>
		\$26,601.40

Summary of Hours

1980	-	7.5 hours at \$83.00 per hour	\$ 622.50
		1.5 hours at \$93.00 per hour	139.50
1981	-	161.1 hours at \$93.00 per hour	14,982.30
1982	-	50.2 hours at \$112.00 per hour	5,622.40
1983	-	<u>42.6</u> hours at \$118.00 per hour	<u>5,026.80</u>
Total		261.4 hours	\$26,393.50

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

SEP 20 1979

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U. S. DISTRICT COURT
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Plaintiffs,)

No. 79-650C(1)

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JUSTICE SERVICES, et al.,)
Defendants.)

JAMES L. THOMAS' VERIFIED PETITION FOR ATTORNEYS FEES

COMES NOW James L. Thomas and being duly sworn on his oath
states as follows:

1. That he is the court appointed attorney for plaintiffs
in the present case. That said appointment was made on June 5, 1979;

2. That he was admitted to the Missouri Bar on April 26,
1975 and subsequently licensed in the State of Illinois on the 18th
of May, 1976;

1
3. That James L. Thomas was admitted to the Federal Bar on the second day of July, 1975;

4. Since being admitted to the bar, James L. Thomas has been in the general practice of law both in the City of St. Louis and the County of St. Louis, Missouri for the past eight years;

5. That the issues involved in this case were substantial and required a great deal of research;

6. That the plaintiffs in the present lawsuits were inmates of the St. Louis County Jail, in which access to the plaintiffs' attorney to plaintiffs were made difficult just by the very nature of the situation which required greater time on the part of plaintiffs' attorney in meeting with and consulting with plaintiffs;

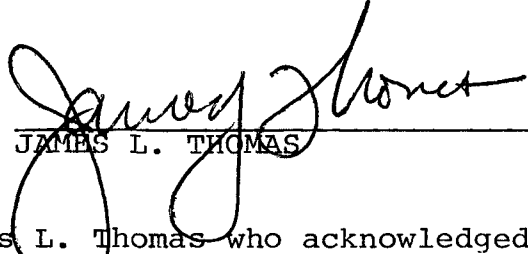
7. That when John Emde was appointed co-counsel for plaintiffs that co-counsel and myself made a great effort to not duplicate work between ourselves in representing plaintiffs;

8. That the attached summary of time records of James L. Thomas consisting of some twenty pages is a true and accurate accounting of the actual time spent by James L. Thomas in representing the plaintiffs and said bill and time records do not include numerous telephone conversations with inmates of the St. Louis County Jail who called my office at various times during and throughout the course of the legal proceedings;


9. That over the five years that I have been involved in this case, I have expended in excess of 200.4 hours and that a reasonable rate and fee for the work performed in this case is the sum of Thirteen Thousand, four Hundred and Four Dollars and Seventy Five Cents (\$13,404.75).

WHEREFORE, James L. Thomas moves the court for its order

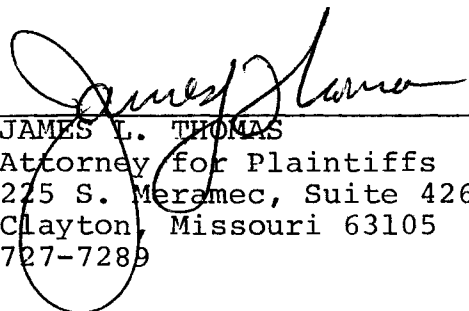
directing the defendants to pay a reasonable sum of Thirteen Thousand, Four Hundred and Four Dollars and Seventy Five Cents (\$13,404.75) as and for the reasonable attorneys fees of James L. Thomas and for such other orders as the Court deems just and proper in the premises.


JAMES L. THOMAS

Before me personally appeared James L. Thomas who acknowledged that he executed the above as his free will and act and that the statements contained therein are the truth to the best of his knowledge and belief.


Notary Public

My Commission Expires:
PENNY HAYMAKER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 4/10/87.
ST. LOUIS COUNTY


JAMES L. THOMAS 24986
Attorney for Plaintiffs
225 S. Meramec, Suite 426T
Clayton, Missouri 63105
727-7289

SUMMARY OF TIME RECORD OF JAMES L. THOMAS, ATTORNEY AT LAW,
IN ROBERT E. BULLINGTON

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
6/5/79	Received order that James L. Thomas, Attorney at Law, be and is appointed to represent plaintiff. It was further ordered that Clerk of the Court provide attorney with copy of file. Copy to petitioner. Reviewed same.	.5
6/5/79	Received copy of file and reviewed same.	2.5
6/8/79	Personal interview with Robert E. Bullington at St. Louis County Jail.	2.5
6/23/79	Received Petition for Permanent Injunction and Temporary Restraining Order and Pre- liminary Injunction by Robert E. Bullington and reviewed same.	.75
7/3/79	Received letter from Robert E. Bullington and reviewed same.	.5
7/6/79	Received copies of Entry of Appearance of	

DATESERVICES PERFORMEDHOURS

Thomas W. Wehrle and Donald J. Weyerich as
counsel for defendants along with their request for
twenty additional days to and including
July 23, 1979 to file responsive pleadings or
appropriate motions. Reviewed same. .5

7/14/79 Received Rule book from Robert E. Bullington.
Reviewed same. 1.4

7/14/79 Letter received from Robert E. Bullington.
Reviewed same. .5

7/23/79 Received Motion to Dismiss which was filed
by defendants. Reviewed same. 1.0

7/23/79 Received and reviewed letter from Robert E.
Bullington. .4

8/7/79 Received letter from Robert E. Bullington
and reviewed same. .5

8/17/79 Conference with Robert E. Bullington at
St. Louis County Jail. 1.5

8/20/79 Jail conference with Mark 1.0

8/21/79 Cover letter and copy of letter from
Robert E. Bullington to Edward Moreland

DATESERVICES PERFORMEDHOURS

	received and reviewed.	.6
8/21/79	Drafted and filed Request for Extension of Time to and including August 31, 1979 to respond to defendant's Motion to Dismiss. Memo for Clerk.	.9
8/23/79	Conference with Robert E. Bullington at St. Louis County Jail.	1.75
8/24/79	Received letter from Robert E. Bullington and forty inmates. Read and reviewed letters.	1.1
8/27/79	Received Order of Court relating to trial. Non-Jury trial set for Tuesday, November 13, 1979 at 9:30 A.M.	.5
8/27/79	Telephone conference with Professor at University of Toledo.	.5
8/27/79	Ordered Criminal Justice Service.	.2
8/27/79	Telephone conference with Legal Aid in Kansas City regarding prison class action suit.	.7

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
8/27/79	Telephone conference with Legal Aid in Tampa, Florida regarding Class Action Suit.	.4
8/29/79	Received copy of Class Action Peition filed by Legal Aid in Kansas City. Reviewed same.	.7
8/29/79	St. Louis County Jail. Reviewed Kansas City Class Action petition with Steven L. Toney, Glenn Reynolds and Michael Clark.	2.4
8/30/79	Drafted Motion for Joinder of parties.	1.5
8/30/79	Drafted Motion for Intervention.	.75
8/30/79	Drafted Amended Complaint for Declaratory Judgment.	6.5
8/31/79	St. Louis County Jail. Reviewed Peition with Steven L. Toney, Glenn Reynolds, Robert E. Bullington, and Michael Clark. Obtained each of their signatures.	2.75
9/4/79	Filed Motion for Joinder of Parties: Motion for Intervention: Proposed Amended Complaint for Declaratory Judgment, Injunctive Relief and other Appropriate Relief along with attached letters.	.5

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
9/24/79	Received letter from Robert E. Bullington. Reviewed same.	.5
10/5/79	Received Court Order that Motion of Steven L. Toney, Glen Reynolds and Michael Clark to intervene is granted. Reviewed same.	.5
10/5/79	Received Court Order that Motion for Joinder be denied as moot. Received Court Order that Motion for Joinder of Gene McNary as defendant be and is granted. Reviewed same.	.5
10/5/79	Received Court Order that the defendant's Motion to Dismiss Plaintiff's Complaint be and is denied as moot. Reviewed same.	.4
10/5/79	Amended Complaint for Declaratory Judgment, Injunctive Relief, and other Appropriate relief (class action) allowed by Court. Reviewed same.	.4
10/18/79	Received letter from William H. Eggers. Reviewed.	.7
10/20/79	Telephone call from Donald Weyerich.	.3

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
10/25/79	Received Entry of Appearance of Thomas W. Wehrle and Donald J. Weyerich as counsel for defendant Gene McNary and all defendants. Extension of time granted to and including October 30, 1979 to file responsive pleadings.	.5
11/3/79	Received and reviewed copies of defendant's trial brief, pre-trial reports and proposed findings of fact and conclusions of law.	2.5
11/5/79	Conference at St. Louis County jail with client.	1.8
11/8/79	Drafted and filed Motion to Vacate trial setting of November 13, 1979. Motion filed in informal matters.	1.5
11/13/79	Conference at St. Louis County Jail with Robert E. Bullington.	1.3
11/15/79	Received Order of Court relating to trial. Non jury case set for trial Monday, January 21, 1980 at 9:30 a.m.	.6
11/16/79	Drafted and sent letter to Judge Nangle.	.7

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
11/16/79	Received carbon copy of letter to Edward Moreland from Robert E. Bullington. Reviewed same.	.5
11/16/79	Received carbon copy of Letter to Judge Nangle from Robert E. Bullington. Reviewed same.	.5
11/19/79	Drafted and filed plaintiff's response to defendant's Motion to Dismiss complaint.	1.75
11/19/79	Drafted and filed Plaintiff's Verified Motion to appoint a stenotype reporter.	.8
11/19/79	Drafted and filed Plaintiff's Interrogatories to Defendant (6).	1.6
11/19/79	Drafted and filed plaintiff's request for Production of Documents.	1.3
11/30/79	Received copy of letter sent to Thomas Wehrle by U.S. District Court. Reviewed same.	.5
12/4/79	Received Court Order denying plaintiff's verified motion for the Court to appoint a stenotype reporter. Reviewed same.	.6

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
12/7/79	Received letter from Robert E. Bullington. Reviewed same.	.6
12/17/79	Received copy of letter to Edward Filippine from Robert E. Bullington. Reviewed same.	.5
<u>TOTAL HOURS FOR YEAR ENDING 12/31/79</u>		<u>56.15</u>
1/3/80	Received copy of letter to Edward Moreland from Robert E. Bullington. Reviewed.	.6
1/3/80	Received copy of letter to Judge Filippine from Robert E. Bullington.	.5
1/4/80	Received copy of Order of Court relating to trial.	.6
1/7/80	Received Court Order pertaining to plaintiff's class action allegation. Set for a hearing before U.S. Magistrate Noce at 1:00 a.m. January 9, 1980, room 724.	.6
1/7/80	Telephone conference with Donald Weyerich	.3

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
1/8/80	Received letter from inmate Alfred A. Franco. Reviewed same.	.6
1/8/80	Received letter from inmate William D. Beavers, Sr.	.7
1/9/80	Received and reviewed defendants' response to plaintiffs' Interrogatories.	4.75
1/9/80	Court hearing for certification of class.	2.00
1/10/80	Received copy of letter sent to Mr. Woodson from Robert E. Bullington	.6
1/10/80	Received and reviewed report and recommendation of U. S. Magistrate.	2.4
1/10/80	Telephone confernece with Donald Weyerich	.3
1/10/80	Drafted Stipulation of Fact.	.7
1/11/80	Received Court Order that the time for compliance for all parties with Order of Court relating to trial is extended until January 16, 1980	.4

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
1/14/80	Received Court Order that cause be and is transferred to John F. Nangle. Further ordered trial setting of January 21, 1980 be and is vacated. Reviewed same.	.7
1/21/80	Received copy of letter to Alfred A. Franco from Jack Schmerling. Reviewed.	.6
1/22/80	Received copy of letter to Al Franco from David A. Lander. Reviewed.	.5
2/21/80	Received Court Order. Action maintained as class action on behalf of class of plaintiffs as described; all persons detained or will be detained at St. Louis County Jail awaiting trial on alleged offenses against State of Missouri; further ordered plaintiffs submit within 15 days of this date, proposed notice to be posted along with copy of complaint in conspicuous places in St. Louis County Jail during pendency of this litigation.	.5
2/21/80	Court Order received denying defendants' Motion to Dismiss due to res judicata and defendants' Motion to Dismiss failure to state cause, denied for failure to comply with Rule 7(B), Local Rules.	.5

DATE

SERVICES PERFORMED

HOURS

2/21/80	Received Court Order stating further motions addressed to complaint shall not be filed until steps set forth in this Order taken and completed; defendants directed to undertake a review of subject matter of complaint, ascertain facts/circumstances; consider whether any action can and should be taken by institution or other appropriate officials to resolve subject matter of complaint; in conduct of review, written report shall be compiled and filed with Court. Authorization granted to interview all witnesses including plaintiffs and appropriate officers of institution; reports made in course of review shall be attached to and filed with defendants' answer to complaint; answer shall restate in separate paragraphs allegations of complaint, each restated paragraph shall be followed by defendants' answers thereto; answer to complaint including report shall be filed no later than 30 days from date hereof.	.5
2/21/80	Received and reviewed letter from inmate Al Franco.	.6
3/6/80	Change business address filed by plaintiff's counsel.	.6

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
3/6/80	Drafted and filed proposed notice.	1.3
3/24/80	Received Court Order and Motion of Defendant to extend time to file answer thru 3/28/80.	.7
3/28/80	Received and reviewed Answer to Amended Complaint for Declaratory Judgment, Injunctive Relief, and Other Appropriate Relief with three volumes of attachments filed by defendants, Moreland and McNary.	3.5
4/3/80	Received copy of letter to William Bahn from John Nangle. Reviewed same.	.5
4/21/80	Received Letter from inmate Jessie Crawford.	.6
5/1/80	Received letter from inmate Al Franco. Reviewed.	.7
5/6/80	Received and reviewed letter from inmate Thomas McMurray	.6
5/6/80	Received and reviewed letter from inmate James Wood.	.6
5/7/80	Received and reviewed letter from Inmate	

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
	Al Franco. Reviewed	.5
5/12/80	Received and reviewed letter from inmate Al Franco.	.6
5/15/80	Received copy of letter to Clifford Smith from John Nangle.	.5
5/15/80	Received copy of letter to inmate James Wood from John Nangle.	.6
5/19/80	Received and reviewed letter from inmate Al Franco	.6
6/14/80	Received and reviewed letter from inmate Al Franco.	.7
7/25/80	Received notice of conference set for 9/29/80, at 9:30 a.m.. Entered in calender.	.5
7/29/80	Received and reviewed MOTion for Summary Judgment with Affidavit of Edward Moreland in support thereof, filed by defendants. (Ref. 9/18/80)	.8
7/29/80	Drafted, filed Response to Motion for	

DATESERVICES PERFORMEDHOURS

Summary Judgment 2.0

9/18/80 Received Order and Memorandum of Court.
Defendants' Motion for Summary Judgment
denied; case consolidated with Johnson, et al
v. O'Brien, et al, #76-210C(2) which
shall be reopened to determine defendants'
compliance with orders therein; John
Emde, 611 Olive St., St. Louis, Missouri
63101, appointed plaintiffs' co-counsel;
Clerk of Court to provide Mr. Emde with
complete copy of file; case referred to
Magistrate William S. Gahn. Copy of file
mailed to Mr. Emde 9/18/80. .3

10/6/80 Received and reviewed copy of letter to Judge
Meridith sent by Calvin Payne. Reply
thereto filed. .4

10/14/80 Received and reviewed letter from inmate Al Franco.
.6

11/26/80 Received and read copies of letter to Judge
Nangle, 11/21/80 filed by Robert E. Bullington,
Roosevelt Wilder, Jr., Eddie J. Cornell,
McCray Johnson, William Henry Eggers and Ted

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
	R. Sanders, Jr.	.8
12/2/80	Drafted and sent letter to Robert E. Bullington.	.8
12/5/80	Received order of pretrial conference set for December 11, 1980 at 11:00 a.m.. Entered in calender	.5
12/8/80	Sent copy of above order (12/5/80) sent to Robert E. Bullington.	.5
12/11/80	Pre-trial conference (WSB) filed. John Emde submit list regarding conditions, etc., said list be filed with Court by 12/31/80; Donald Weyerich submit list regarding action taken by defendants, etc., said outline filed with Court by December 31, 1980; James Thomas submit list regarding complaints and allegations of plaintiffs, etc., said outline filed with Court by 12/31/80; Court and plaintiffs' attorneys of record make visual inspection of St. Louis County Jail facilities at time agreed upon; hearing on consolidated cases of Bullington v. Moreland and Ronnie Johnson v. William O'Brien set for January 15, 1981 at 10:00 a.m. Filed.	3.0

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
12/17/80	Received and reviewed letter from Donald Weyerich	.6
12/30/80	Received and reviewed letter from John P. Emde.	.7
12/30/80	Received and reviewed letter from inmate Robert E. Bullington	.6
12/30/80	Received and reviewed copy of Order. Leave to File granted, John Nangle. Referred to Magistrate Bahn.	.2
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TOTAL HOURS FOR YEAR ENDING 12/31/80		43.85
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1/2/81	Drafted and filed Compliance with Order of Court of 12/11/80 by James L. Thomas	4.0
1/13/81	Received Order. Hearing Set for 1/15/81, 10:00 A.M. cancelled until further notice	.3
2/3/81	Jail Inspection and conference with Judge Bahn, Warden Harding, guard, John Emde.	5.0
3/4/81	Received and reviewed order. Hearing set for 3/12/81 at 10:00 A.M.	.4
3/4/81	Drafted and filed Writs and Subpoenas.	2.5
3/4/81	Conference with Emde as to witnesses.	.5
3/9/81	Copies of U.S. Marshall's Service Process Receipt. Return for subpoenas received.	.5
3/9/81	Received copies or Order for Clerk from Judge Bahn.	.6
3/10/81	Received and reviewed memo concerning St. Louis County Jail.	.8

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
3/11/81	Received copies of return to Writ Habeas Corpus by serving Edward Moreland 3/10/81. (Robert Bullington, John Sisler, Ricky Rich, 3/12/81)	.4
3/12/81	Hearing and preparation	9.0
3/12/81	Federal Court Trial, conference with Bullington, Sissler, John Ende, Judge Bahn and Weyerick	8.5
3/18/81	Received Order. Hearing to be resumed 3/27/81, 10:00 A.M.	.3
3/18/81	Drafted addition Writ.	.8
3/25/81	Meeting with Secretary (Bahn's) and clerk Issuing of Habeas Corpus, jail inspection and conference with John Emde, Harris, Bullington and John Emde.	8.0
3/25/81	Telephone and office conference with John Emde. Reviewed and studied Standards for Adult Correctional Institution	4.5
3/27/81	Received and reviewed letter from University of Toledo.	4.5
3/27/81	Received Return to Writ of Habeas Corpus (Baviosa Brown, Robert Bullington, John Sisler, Tob Gonella and Ronald Stergion) executed on Edward Moreland 3/26/81. Filed.	.6
3/27/81	Hearing and preparation	.4
4/7/81	Received copy of letter to Robert E. Bullington from John P. Emde.	8.5
		.6

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
4/15/81	Telephone conference with John Emde, Judge Nangle. Additional conference with Judge Nangle.	2.0
6/18/81	Received and reviewed letter from John F. Nangle.	.6
6/26/81	Received and read letter from John F. Nangle.	.5
6/26/81	Pre-trial conference held.	1.5
6/27/81	Courthouse conference with Judge Nangle Judge Bahn, Mr. Wehrle, John Emde - Status of jail case.	3.0
7/2/81	Conference with Judge Bahn, John Emde, law clerk Proposed finding of fact - preliminary report. Additional conference with John Emde.	2.5
7/24/81	Received and reviewed Recommendation. Parties have 10 days to file objections.	2.0
7/29/81	Courthouse conference with Judge Nangle and John Emde. Receipt of Judge Bahn's preliminary report, conference with Judge Bahn and John Emde.	2.0
8/24/81	Received letter from Donald Weyerich with copies of defendant's objections.	1.0
8/24/81	Reviewed and discussed response to review/ recommendation filed by plaintiffs.	1.7
10/23/81	Received copy of letter to William Bahn from John Nangle.	.6

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
12/10/81	Received Order that this case be re- ferred to Magistrate Bahn for reconsider- ation of his Report/Recommendation, in light of pre-trial release program. It is further ordered that it is with the Magistrate's discretion to order any additional factual data or legal citation that he deems necessary in his consideration of this record.	.4
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TOTAL HOURS FOR YEAR ENDING 12/31/81		78.5
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2/18/82	Received and reviewed copy of letter and petition to clerk from William T. Bruce	1.0
3/12/82	Received Memo for clerk by Donald Weyerich	.5
4/1/82	Received and reviewed copy of Motion of defendant to dismiss complaint.	.8
5/20/82	Received copy of Order. Reviewed same.	.4
5/27/82	Received order Cause 82-2223C(2). Instant case involves issues/factual allegations common to 76-210C(2); ordered instant case be consolidated with above cases.	.6
6/8/82	Drafted and filed change of address by Attorney James L. Thomas	.6
6/29/82	Received and reviewed letter from William Bahn.	.7
7/1/82	Received and reviewed copy of letter to William Bahn from Eugene Buckley	.7

<u>DATE</u>	<u>SERVICES PERFORMED</u>	<u>HOURS</u>
7/9/82	Received and reviewed letter from Donald Weyerich	.7
7/23/82	Courthouse conference with Judge Bahn, Weyerich, Moreland and John Emde	1.5
9/29/82	Drafted and sent letter to John Emde.	.7
12/7/82	Court conference with Judge Nangle, Judge Bahn, John Emde. Telephone conference with Weyerich. Additional conference with John Emde.	2.0
12/16/82	Conference with Judge Bahn, Judge Nangle and John Emde.	1.5
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TOTAL HOURS FOR YEAR ENDING 12/31/82		12.3
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1/4/83	St. Louis County Jail inspection 7:45 a.m.	1.2
1/5/83	St. Louis County Jail conference with Robert E. Bullington. Inspection with Edward Moreland.	1.5
1/19/83	St. Louis County Jail inspection	1.7
2/2/83	St. Louis County Jail inspection.	.75
2/8/83	Redraft Proposed stipulation and conference with John Emde.	.75
6/23/83	Received copy of Order and Stipulation of Parties and Magistrate's recommendations. Reviewed same.	3.7
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TOTAL HOURS FOR THE YEAR 1983		9.60
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1979	-	³²⁴ 56.15 hours at \$60.00/hour	\$ 3,369.00
1980	-	43.85 hours at \$65.00/hour	2,850.25
1981	-	78.5 hours at \$70.00/hour	5,495.00
1982	-	12.3 hours at \$75.00/hour	922.50
1983	-	9.6 hours at \$80.00/hour	<u>768.00</u>
		<u>200.40</u> TOTAL	\$13,404.75