

CITY OF CHICAGO
COMMISSION ON HUMAN RELATIONS

KATHY GOULD,)
Complainant)
)
vs.) Case No. 91-FHO-25-5610
)
DANIEL ROZDILSKY,)
Respondent.)

FINDINGS

REGARDING COMPLAINANT'S REQUEST FOR REVIEW OF ATTORNEY'S FEES
AND COSTS AND SUPPLEMENTAL PETITION FOR ATTORNEY'S FEES

Section 2-120-510(1) of the Chicago Commission on Human Relations Ordinance provides that the Respondent may be ordered "to pay to the complainant all or a portion of the costs, including reasonable attorney fees ... and duplicating costs, incurred in pursuing the complaint before the Commission or at any stage of judicial review."

Complainant KATHY GOULD, who prevailed on her claim before the Commission on Human Relations (see Ruling dated January 15, 1992), originally filed a fee petition seeking \$22,955.50 in attorney's fees and \$278.36 in costs incurred in connection with the pursuit of her complaint before the Commission. The Commission ordered Respondent to pay \$12,189.50 in attorney's fees and \$278.36 in costs to Complainant in an order dated May 4, 1992.

Complainant filed a Request for Review on June 4, 1992 asking the Commission to reconsider its decision and grant the additional attorney's fees originally requested.

Also after the decision in this matter, Respondent filed a Request for Review on February 20, 1992 asking that the decision of the Commission be reversed. Complainant vigorously defended against Respondent's Request for Review. Respondent's Request for Review was denied. See Order dated May 4, 1992.

Complainant has filed a Supplemental Petition for Attorney's Fees, requesting \$8,450.50 in attorney's fees and costs of \$165.57 for work performed subsequent to the work covered by Complainant's original Petition for Attorney's Fees.

1. Entitlement to Fees as a Prevailing Party

As stated in the original decision granting attorney's fees in this case, the Commission has granted reasonable attorney's fees and costs to the prevailing Complainant in several cases: Huezo v. St. James Properties, CCHR No. 90-E-44 (7/11/91); Jenkins v. Artists' Restaurant, CCHR No. 90-PA-14 (8/14/91); and Castro v. Georgeopoulos, CCHR No. 91-FHO-6-5591 (3-25-92), among others. Because Complainant prevailed in this case, she is entitled to attorney's fees and costs reflecting the reasonable time expended by attorneys for Complainant in this case.

2. Complainant's Request for Review: The Amount of Time Spent by Attorney Laura Hutchinson

Complainant originally requested attorney's fees for 141.9 hours worked by attorney Laura Hutchinson. In Respondent's Objections to Complainant's Amended Petition for Attorneys Fees and

Costs, Respondent objected to the reasonableness of the amount of time spent by Ms. Hutchinson on this case. No objection was raised to the hours spent by Robin Potter or to the hourly rates charged by either attorney.

The Commission, in its May 4, 1992 order, agreed with Respondent that the hours spent by Laura Hutchinson on this case were excessive based on the complexity of the case, the lack of discovery and expert witnesses, and her prior experience. The number of hours for which Ms. Hutchinson was to be compensated was reduced to 65 from her requested 141.9.

However, upon evaluation of Complainant's Request for Review, re-review of the affidavits filed initially by Complainant concerning hours spent by the attorneys and affidavits filed by other attorneys concerning the reasonableness of the hours spent, and a review of the number of hours spent by attorneys in a similar case requiring fewer written documents to be provided (see Ana Huevo v. St. James Properties, CCHR No. 90-E-44 (10/9/91) where 84.25 hours were allowed), the Commission is now convinced that the reduction in hours to 65 was too severe. Ms. Hutchinson prepared several briefs and memoranda, tried the case, reviewed the transcript, drafted Proposed Findings of Fact, and prepared the fee petition. While the legal issues involved in the case were not unique or difficult, there were issues where no specific court or administrative decision had been rendered. Ms. Hutchinson was required to spend extra hours working on those issues.

Therefore, the number of hours for which Laura Hutchinson should be compensated shall be increased to 90, a reasonable number of hours for the primary attorney in this case, given its complexity and the number of tasks required of the attorney.

There is no issue concerning the propriety of the hours spent by Robin Potter, the senior attorney on this case, or concerning the costs. Thus, Ms. Potter shall receive attorney's fees of \$3,089.50 (16.7 hours times \$185 per hour) and Ms. Hutchinson shall receive attorney's fees of \$12,600 (90 hours times \$140 per hour), for total attorney's fees of \$15,689.50, for this phase of the case. This constitutes a \$3,500 increase in the amount of attorney fees previously ordered.

3. Complainant's Supplemental Petition for Attorney's Fees

Under section 2-120-510(1) of the Chicago Commission on Human Relations Ordinance, the Commission is authorized to grant relief including "to pay to the complainant all or a portion of costs, including reasonable attorney fees, ..., incurred in pursuing the complaint before the Commission or at any stage of judicial review."

This section clearly contemplates that more than one petition for attorney's fees might be filed, since it authorizes the Commission to grant attorney's fees for "pursuing the complaint before the Commission or any stage of judicial review" [emphasis added]. Work done during judicial review would come long after the deadline for the initial Petition for Attorney's Fees and yet may

be ordered paid by the Commission. Further, the section contemplates that the Commission may grant attorney's fees for work done concerning post-hearing motions and other further proceedings before the Commission, all of which constitute "pursuing the complaint before the Commission." See Akangbe v. 1428 W. Fargo Condominium, CCHR No. 91-FHO-7-5598 (7-12-92); Huezo v. St. James Properties, CCHR No. 90-E-44 (10/9/91).

In this case, the Supplemental Petition for Attorney's Fees requests attorney's fees for time expended in opposing the Request for Review filed by Respondent, negotiating with Respondent regarding settlement and payment of the judgment, preparing Complainant's Request for Review of the attorney's fees and preparing a Motion for Enforcement of the Judgment. All such activities are clearly within Section 2-120-510(1) of the Ordinance.

Respondent's Response to Complainant's Supplemental Petition for Attorney's Fees does not cite any authority to reject the Supplemental Petition, and fails to refer to the ordinance subsection which authorizes attorney's fees.

Complainant requests compensation for 59.70 hours of work for Laura Hutchinson, and 1/2 hour for Robin Potter, plus costs of \$165.57. The only activity listed by Laura Hutchinson which is not includable in attorney's fees is a conversation with Ms. Gould, the Complainant, regarding press coverage of the case. While the specific time is not given for that item, it is included in 7.0 hours listed as worked on February 25, 1992. The Commission will

deduct one hour for such conversation and accept that 6 hours were spent on the other work performed that day.

Thus, 58.7 hours worked by Laura Hutchinson on the various legal matters covered by the Supplemental Petition are reasonable and are granted, these hours total \$8,218 (58.7 x \$140). The 1/2 hour worked by Robin Potter is reasonable, and attorney's fees of \$92.50 (\$185 x 1/2) are granted.

The costs of \$165.67 are reasonable and thus are granted.

Thus, Complainant will be granted supplemental attorney's fees of \$8310.50 and costs of \$165.67.

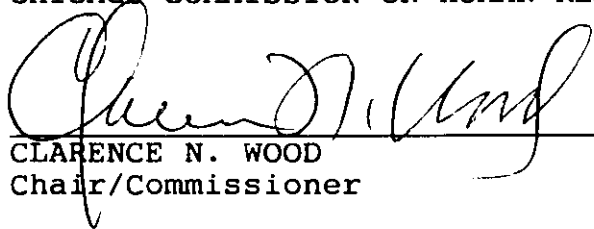
4. Summary

For the reasons stated above, the Commission awards Complainant Gould attorney's fees in the amount of \$24,000 (\$15,689.50 for time expended prior to the Supplemental fee petition and \$8,210.50 for legal work covered by the Supplemental Petition) and costs in the amount of \$444.03 (\$278.36 in costs incurred prior to Supplemental Petition and \$165.57 for subsequent costs). This order supersedes the Commission's May 4, 1992 Order regarding attorney fees.

CHICAGO COMMISSION ON HUMAN RELATIONS

DATE

10/24/92


CLARENCE N. WOOD
Chair/Commissioner