



City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, Suite 400, Chicago, IL 60654
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

IN THE MATTER OF:

Barbara Evans
Complainant,
v.

Mark Pasieka
Respondent.

Case No.: 20-H-63

Date of Ruling: March 14, 2024

Date Mailed: March 19, 2024

TO:

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FINAL ORDER ON ATTORNEY FEES

YOU ARE HEREBY NOTIFIED that on March 14, 2024, the Chicago Commission on Human Relations issued a Final Ruling on Attorney Fees and Costs in favor of Complainant in the above-captioned matter. The Commission orders Respondent to pay attorney fees in the total amount of \$21,555.15. The findings and specific terms of the ruling are enclosed. Respondent is ordered to pay the total amount to Complainant's attorneys at the address stated above.

Pursuant to Commission Rules 100(15) and 250.150, a party may obtain review of this order by filing a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law at this time. Compliance with this Final Order and the Final Order on Liability and Relief entered on September 14, 2023, shall occur no later than 28 days from the date of mailing of this order.¹ Reg. 250.210.

CHICAGO COMMISSION ON HUMAN RELATIONS

¹ **Compliance Information:** Parties must comply with a final order after administrative hearing no later than 28 days from the date of mailing of the later of a Board of Commissioners' final order on liability or any final order on attorney fees and costs, unless another date is specified. CCHR Rule 250.210. Enforcement procedures for failure to comply are stated in Rule 250.220.

Payments of attorney fees and costs are to be made to Complainant's attorneys of record as noted above.



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IN THE MATTER OF:

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Mark Pasieka,
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Case No.: 20-H-63

Date of Ruling: March 14, 2024

FINAL RULING ON ATTORNEY FEES

I. INTRODUCTION

1. On September 14, 2023, the Commission issued its Final Order on Liability and Relief, finding in favor of Complainant with respect to her source of income discrimination in housing claim, and ruling that Respondent violated the Chicago Fair Housing Ordinance, Chi. Muni. Code 5-8-030. The Commission ordered Respondent to make payment to Complainant of (1) \$1,500 in emotional distress damages; (2) \$1,500 in punitive damages; (3) pre- and post-judgment interest on the emotional distress damages award; and (4) post-judgment interest on the punitive damages award. In addition, the Commission ordered Respondent to pay a fine of \$1,000 to the City of Chicago and ordered Respondent's attorney to pay a fine of \$250 to the City of Chicago. The Commission also awarded Complainant "reasonable attorney fees and costs" upon petition by Complainant. The Final Order was mailed on September 25, 2023.

2. On October 23, 2023, Complainant's attorneys filed Complainant's Petition for Attorney Fees ("Fee Petition"). The Fee Petition was emailed to Respondent's attorney and the Hearing Officer. By separate email, counsel served the Commission. The initial filing did not include a notice of filing or certificate of service.

3. On October 25, 2023, the Commission sent Complainant's attorney an email notifying him that the Petition did not include a notice of filing or certificate of service and reminding counsel "to include Respondent, the Hearing Officer, and the Commission on the same email so that the Hearing Officer can be certain the communication with her is not *ex parte*." In reply, Complainant's counsel sent an email asserting that the Certificate of Service *had* been filed; however, this email did include the completed certificate.

4. In her Petition, Complainant sought total fees in the amount of \$27,599.75, based on a claim of 116.07 hours expended by two attorneys, Alexander Hartz and Julie Pautsch; and two paralegals, John Robertson and Emily Williams. *See*, Fee Petition. Complainant attached as exhibits the Final Order on Liability and Relief (Exh. A), Affidavit of Miriam Hallbauer, a supervisor at Legal Aid Chicago, attesting to her knowledge and experience regarding attorney fees and attaching Legal Aid Chicago's Hourly Attorney Fee Rates for all Cases Except Equal Justice Cases (Exh. B), affidavits from Alexander Hartz (Exh. C), Julie Pautsch (Exh. D), John Robertson (Exh. E), and Emily Williams (Exh. F), and the Fees Calculations document itemized by date of service, caseworker, activity details, time spent, time charged, advocate rate, and charge (Exh. G). *Id.*

5. On November 6, 2023, Respondent's counsel, via email, made a motion for an extension of time until November 30, 2023, to file his objections to Complainant's Fee Petition. Counsel represented that the copy of Complainant's Fee Petition served on Respondent's counsel was missing several important exhibits. In response, Complainant's counsel represented that they had no objection to the request for an extension of time to November 30, 2023, but that they believed that the emails to the Hearing Officer and Respondent's counsel had all exhibits attached (although the Commission may not have received all of the exhibits).

6. On November 8, 2023, the Hearing Officer gave Complainant's counsel until November 10, 2023, to file proof of service that the Fee Petition and *all* Exhibits were properly served on Respondent, the Commission, and the Hearing Officer. In addition, the Hearing Officer granted Respondent's motion for extension of time until November 30, 2023, to file his objections, if any. *See*, Order of November 8, 2023.

7. On November 30, 2023, Respondent filed his Objections, arguing that Complainant's Fee Petition was untimely; the amount of fees sought was disproportionate to the damages award; and a number of individual entries were excessive or duplicative, billed under the wrong rates, or were otherwise objectionable. *See*, Respondent's Objection to Complainant's Counsel's Fee Petition ("Resp. Objections").

II. APPLICABLE LEGAL STANDARDS

Pursuant to Commission Rule 240.630 (a), an attorney fee petition must establish the number of hours for which compensation is sought in segments of no more than one-quarter hour, itemized by date performed, work performed, and the individual who performed the work. Rule 240-630 (a) (1). The petition also must show that the hourly rate charged for the individual is commensurate with that individual's work experience.

The Commission follows the lodestar method of calculating reasonable attorney fees. That is, the Commission determines the number of hours that were reasonably expended on the case and multiplies that number by the customary hourly rate for attorneys with the level of

experience of the complainant's attorney. *See, e.g., Davis v. MVA Property Management LLC, et al.*, CCHR 18-H-33 (Apr. 14, 2022); *Brown v. Tam Khuong An Nguyen and Liz Nguyen*, CCHR 15-H-07 (June 8, 2017); *Nash and Demby v. Sallas Realty et al.*, CCHR No. 92-H-128 (Dec. 7, 2000); and *Barnes v. Page*, CCHR No. 92-E-01 (Jan. 20, 1994). The party seeking recovery of attorney fees has the burden of presenting evidence from which the Commission can determine whether the fee requested is reasonable. *See, Brown, supra* at 1; and *Brooks v. Hyde Park Realty Company, Inc.*, CCHR No. 02-E-116 (June 16, 2004).

III. TIMELINESS

Before considering the total amount sought by Complainant, Respondent raised the objection that Complainant's Fee Petition should be stricken because it was untimely filed. The Commission Order was mailed September 25, 2023; therefore, Complainant's Fee Petition was to be submitted on or before October 23, 2023.

Complainant timely filed her Fee Petition with the Commission; however, there were difficulties in submitting the certificate of service. It was not clear that Complainant submitted *all* of the exhibits to the Fee Petition *and* served those on the Commission, the Hearing Officer, and Respondent's counsel. Complainant timely filed the Fee Petition, although she had to file an amended certificate of service. Respondent's timeliness objection is overruled. Respondent moved for an extension of time to file his Objections. The motion was granted on November 8, 2023, and Respondent was given until November 30, 2023, to file his objections. Therefore, Respondent cannot show that he was harmed by the technical error in service, assuming he was correct in asserting that Complainant did not initially attach all of the exhibits. The Hearing Officer recommends a finding that Complainant's Fee Petition is properly before the Hearing Officer.

IV. RELATIONSHIP OF FEES TO DAMAGES AWARDED

Next, Respondent vigorously disputes that Complainant should receive fees in light of what Respondent claims is a minimal recovery. Respondent cites to *Farrar v. Hobby*, 506 U.S. 103 (1992), for the proposition that a plaintiff who was awarded nominal damages was a prevailing party but was not entitled to attorney fees because a fee would not be reasonable.

Respondent's reliance on *Farrar* is misplaced. First, Complainant's award was not minimal. The Commission found that Complainant prevailed on her claim of source of income discrimination in housing and awarded Complainant \$1,500 in emotional distress damages; \$1,500 in punitive damages; pre- and post- judgment interest; reasonable attorney fees; and ordered that Respondent pay the City of Chicago a fine in the amount of \$1,000; and that Respondent's attorney pay the City of Chicago a fine in the amount of \$250.

Second, the Commission's precedent "makes it clear that a fee award need not be proportional to a damage award." *Gilbert and Gray v. 7355 South Shore Condominium, et al.*, 01-H-18/27 (June 20, 2012), quoting *Lockwood v. Professional Neurological Services, Ltd.*, CCHR No. 06-E-89, at 4 (Jan. 20, 2010). Even when an award to a complainant has been *de minimis*, the Commission has awarded fees to the prevailing complainant.¹ See, e.g., *Cotten v. Addiction Sports Bar and Lounge*, CCHR No. 08-P-68 (Feb. 17, 2010) (the Commission awarded \$2,156.25 in attorney fees and 52.58 in costs, even though it awarded the complainant \$1.00 in damages); *Cotten v. CCI Industries, Inc.*, CCHR No. 07-P-109 (May 19, 2010). It is well established that an award for attorney fees does not need to be proportional to the amount awarded a complainant; thus, Respondent's objection here is overruled.

V. APPROPRIATE HOURLY RATE

The Commission articulated the approach to determine the appropriate hourly rate for attorney fees in *Sellers v. Outland*, CCHR No. 02-H-73 (Mar. 17, 2004, and Apr. 15, 2009), following the reasoning of the Seventh Circuit as set forth in *Small v. Richard Wolf Medical Instruments Corp.*, 264 F.3d 702, 707 (7th Cir. 2001):

The fee applicant bears the burden of proving the market rate. The attorney's actual billing rate for comparable work is considered to be the presumptive market rate. If, however, the court cannot determine the attorney's true billing rate—such as when the attorney maintains a contingent fee or public interest practice—the applicant can meet his or her burden by submitting affidavits from similarly experienced attorneys attesting to the rates they charge paying clients for similar work, or by submitting evidence of fee awards that the applicant has received in similar cases. Once the fee applicant has met his or her burden, the burden shifts to the defendants to demonstrate why a lower rate should be awarded.

"Once an attorney provides evidence of his/her billing rate, the burden is on the respondent to present evidence establishing a good reason why a lower rate is essential. A respondent's failure to do so is essentially a concession that the attorney's billing rate is reasonable and should be awarded." *Warren v. Lofton & Lofton Mgmt. d/b/a McDonald's*, CCHR No. 07-P-62/63/92 at 3 (May 19, 2010), quoting *Richardson v. Chicago Area Council of Boy Scouts*, CCHR No. 92-E-80 (Nov. 20, 1996), *rev'd on other grounds* 322 Ill. App. 3d 17 (2nd Dist. 2001). Respondent has not objected to the billing rates of either the attorneys (Hartz, \$250 per hour, Pautsch \$340 per hour) or the paralegals (Robertson and Williams, \$125 per hour for each). Although Respondent concedes that the rates are appropriate, the Commission still has

¹ Respondent also argued that the amount of fees Complainant sought was disproportionate to the amount that Respondent's attorney claims to have expended in this case, 23 hours. See, Resp. Objection, p. 9. There is no requirement that the parties' attorneys expend the same number of hours on a case; Respondent's fees are not at issue here.

an independent duty to review the Fee Petition to assure that it conforms to Commission [rules] and that the request is reasonable. *Warren, supra* at 2.

Throughout the course of these proceedings, Complainant was represented by Legal Aid Chicago, a non-profit organization that serves low-income residents in Cook County. Complainant's attorneys included affidavits that provided the respective attorneys' and paralegals' experience and/or year admitted to practice. *See*, Fee Petition, Exhs. C - F. Although Complainant's attorneys did not have actual billing histories to substantiate their hourly rate, the hourly rates were supported by the testimony of Miriam Hallbauer who stated that she has been a member of Legal Aid Chicago's Attorney's Fees Committee since December 2009, and that the committee is charged with obtaining information from other well-known comparable organizations that have charged fees, or have submitted fee petitions in fee shifting cases. Hallbauer attached to her affidavit and Legal Aid's Hourly Attorney Fee Rates, to show the hourly rate of staff attorneys and paralegals based on years of experience. *See*, Exh. B.

The Commission agrees with the Hearing Officer's finding that Complainant's attorneys have submitted adequate evidence to support the billing rates sought here. *See, e.g., Pierce and Parker v. New Jerusalem Christian Development Corp.*, CCHR No. 07-H-12/13 (May 16, 2012); *Montelongo v. Azarpira*, CCHR No. 09-H-23 (Feb. 16, 2012); *Flores v. A Taste of Heaven et al.*, CCHR No. 06-E-32 (Jan. 19, 2011); and *Gray v. Scott*, CCHR No. 06-H-10 (Nov. 16, 2011). Complainant's petition for hourly rates of \$250 for Hartz, \$340 for Pautsch, and \$125 for the paralegals, Robertson and Williams, are consistent with the rates that Legal Aid Chicago uses for attorneys based on their respective years of experience and what the Legal Aid Chicago committee determined was a reasonable market rate compared with other similar organizations.

VI. RESPONDENT'S ABILITY TO PAY ATTORNEY FEES

The Commission has long been clear that the amount of fees awarded to a prevailing party is not based on the respondent's ability to pay. *See, e.g., Davis supra, citing, Blacher v. Eugene Washington Youth & Family Svcs.*, CCHR No. 95-E-261 (Feb. 24, 1999). Respondent argues that he is not able to pay the "nearly \$28,000 amount" sought here. Respondent asserts he is the sole breadwinner of his family, which includes three minor children, and that his average annual income is "not in any way sufficient" to pay the amount sought. Respondent states that he does not have "deep pockets" and he does not have insurance that could cover these fees. *See*, Resp. Objection, at pp. 8-9. Although Respondent's concerns are understandable, as noted, a respondent's ability to pay is not a factor in determining an appropriate attorney fee award, and for that reason, Respondent's objection is overruled.

VII. HOURS EXPENDED

Complainant seeks \$27,599.70 in attorney fees based on 116.07 hours of work. She states that the legal team² actually expended a total of 167.1 hours. *See*, Fee Petition, pp. 2-3, and Exh. G. In determining the amount of fees sought, the calculations are clear: Complainant is required to calculate the hours expended on a case, multiplying those hours times a reasonable hourly rate. The party seeking fees has the burden of presenting sufficient evidence from which the Commission can determine that the fees are reasonable both in terms of the hourly rates and the time expended. *See Davis supra*, at 2. It is these calculations where there are a number of inconsistencies in Complainant's Fee Petition.

Based on the numbers Complainant provided in her attorneys' and paralegals' affidavits and based on the Fee Petition, Complainant's lodestar calculations of 116.07 hours, for a total fee of \$27,599.75, should be as follows:

Name		Role		Total Hrs. worked/ affidavit	Hrs Sought/ affidavit	Rate	Total fees/ affidavit	Notes/ calculation issues based on aff d
Alexander	Hartz	Lead Atty	Lic. 2020	87.05	75.15	\$250.00	\$18,600.00	\$18787.50, \$250 x 75.15
Julie	Pautsch	Sr. Supervisor	Lic 2010	-	-	\$340.00		Figures Not given
John	Robertson	Paralegal	certificate 2021	36.87	22.67	\$125.00	\$2,583.75	\$2583.75/125= 20.67 hrs.
Emily	Williams	Paralegal		7.12	6.14	\$125.00	\$767.50	
totals				131.04	103.96			
Fee Petition numbers					116.07		\$27,599.75	

However, the challenge in reaching the final amount of fees sought is due to what appear to be inconsistencies or errors in Legal Aid Chicago's calculations, or Complainant may have made adjustments in some hours, or amount of fees, but did not include any explanations in her Fee Petition. Before determining whether the fees are reasonable, there needs to be a reasonable starting point in terms of both hours sought and amount of fees, and those figures should be consistent with the total amount of fees sought. The Hearing Officer noted:

² Complainant is only seeking fees for Attorneys Hartz and Pautsch, and Paralegals Robertson and Williams. In reviewing Exh. G, Legal Aid Chicago had a number of other personnel working on this matter; however, Complainant is not seeking their fees, thus Respondent's concerns that Complainant was charging excessively for all the attorneys listed on Exh. G is not justified. In addition, Complainant's attorneys state that they also did not include all the hours they worked in their request for fees. For example, Attorney Hartz stated that he spent a total of 87.05 hours on this case but is only seeking fees for 75.15 hours. *See*, Fee Petition, Exh C.

1. Alexander Hartz is seeking \$18,600 for 75.15 hours. *See*, Petition for Fees, Exh. B. However, at Attorney Hartz's hourly rate of \$250, this figure should be \$18,787.50.

2. Senior Supervising Attorney Pautsch attested that her hourly billing rate is \$340; however, she failed to include how many hours she was seeking compensation for, or the total amount sought. *Id.*, Exh. D. Because it is unclear how many hours Pautsch is seeking compensation for, the Hearing Officer started with the total amount of hours sought by Legal Aid Chicago, 116.07, less the number of hours Hartz, Robertson, and Williams claimed in their affidavits, 103.96. That leaves the remaining hours presumably to be what Pautsch is claiming, or 12.11 hours. At \$340 per hour, Pautsch would then be claiming \$4117.40.³

3. Paralegal Robertson attested that he is seeking \$2,583.75 for 22.67 hours. *Id.*, Exh. E. However, at Robertson's hourly rate of \$125, it appears that the number of hours should be 20.67.

4. Paralegal Williams attested that she billed 6.14 hours, totaling \$767.50. While her figures appear to be mathematically correct, in reviewing the time entries for Williams in Exh. G, she billed 4.69 hours for work performed from October 5, 2023, to October 18, 2023, and at her hourly rate, the amount claimed should be \$586.25.

Complainant did not provide explanations for the differences in hours or amounts sought. Accordingly, the Hearing Officer used the following hours as the starting point for determining reasonable fees: Attorney Hartz, 75.15 hours (based on his affidavit); Pautsch, 12.11 hours (based on the Hearing Officer's calculation); Robertson, 20.67 hours (based on the fees he is seeking); and Williams, 4.69 hours (based on the entries for Williams in Exh. G).⁴ The Commission agrees with the Hearing Officer's conclusion that based on these hours, the total fees sought would be \$26,074.90 (Hartz, \$18,787.50; Pautsch, \$4,117.40; Robertson, \$2,583.75; and Williams, \$586.25). As explained below, the Commission adopts the Hearing Officer's use of that number as the starting point in calculating the amount by which each respective caseworker's fees should be reduced.

³ The Commission is mindful that it appears that Pautsch billed at least 18 hours (and more when the "No Charge" hours are included), based on the entries on Exh. G. Pautsch asserted that she was exercising billing judgment and reduced her hours accordingly, though it is not clear by how many hours Pautsch would have reduced her billing. *See*, Fee Petition, Exh. D, par. 7.

⁴ As noted, based on these adjustments of the hours, and at the rates provided, the total amount of fees initially sought would be \$26,074.90. The Hearing Officer based Pautsch's fees on the *hours* given in the Fee Petition, starting from 116.07. The Hearing Officer is aware that if the determination was based on the dollar amounts that Hartz, Robertson, and Williams claimed in their affidavits (\$21,951.25), using the starting point of \$27,599.75, then the result might be slightly higher (16.61 hrs./\$5,648.50 fees). However, the Hearing Officer calculated Pautsch's fees starting with the *hours* sought in the affidavits. The Legal Aid Chicago team indicated that they were intentional about using billing discretion, such that not all the hours they worked were included in the bill. This approach seems consistent with the method used in *Davis supra*, at p. 4, note 2, and also with Pautsch's statement that she was eliminating duplicative entries and administrative work.

VIII. REASONABLENESS OF FEES

Complainant's timesheet, Fee Petition, and Exh G. meet the criteria set out in Commission Rule 240.630 (a), which requires that the party seeking fees must show that the timesheet details the date, actor, number of hours, billing rate, total fees, and the description of services. *See, Davis, supra*. The Commission, nonetheless, has an obligation to consider whether *all* of the work billed is reasonable and necessary. In addition, consideration has to be given to Respondent's objections; and here Respondent objected to a number of specific line entries on the basis that the entries were excessive given that the issues raised were not complex, were otherwise excessive or duplicative, were vague, or were expenses that were not recoverable (e.g., travel expenses).

Unfortunately, neither Complainant nor Respondent calculated the fees due by the respective attorney or paralegal. That calculation is important, given that the hourly rates for the attorneys and the paralegals differ, so that simply calculating the total hours to be deducted from the total amount sought is not helpful. To facilitate the final calculations, the Hearing Officer determined the entries which appeared unreasonable, excessive, duplicative, or vague, indicated by "H.O. - ___", "Ded." (deduct) and also made specific rulings on each item Respondent raised objections to, indicated by "Allow-Obj. overruled," or "Obj. sustained (in whole or in part)." Only those entries for which there were objections from Respondent or were found to be objectionable by the Hearing Officer are included below⁵:

1. Alexander Hartz

Date of Service	Caseworker	Activity Details	Time Charged	Rate	Fee	NOTES	Hrs. Deducted
10/19/2023	Alexander Hartz	Drafting Fee Petition	2.00	\$250	\$500	Allow - Obj. overruled	0.00
10/3/2023	Alexander Hartz	Research on CCHR's fee petition rules	0.35	\$250	\$87.50	Allow - Obj. overruled	0.00
4/25/2023	Alexander Hartz	Researching Past Hearing Decisions	1.00	\$250	\$250	Allow - Obj. overruled	
4/21/2023	Alexander Hartz	Writing Post-Hearing Brief	5.00	\$250	\$1,250	Ded. 5.0: HO - duplicative	5.00
3/14/2023	Alexander Hartz	CI Call	0.16	\$250	\$40	Ded. .16: HO - vague	0.16

⁵ Complainant's attorneys were not consistent in the time increments used. Generally, fees are billed in 1/10 (6 min.) hours or 1/4 hours (15 min.). Here, Complainant seemed to use different calculations for each caseworker. For example, Attorney Hartz has entries of 0.33, 10/5/23; 0.35 10/3/23; 0.16 3/14/23. In other entries he used quarter-hours; for example, .025, 10/10/23, 0.25, 10/5/23, and in still other entries, 1/10 hours; for example, 0.1, 4/12/23; 0.1, 4/3/23. Paralegal Robertson seemed to bill in quarter-hours, with a few exceptions. Paralegal Williams also used a mix; for example, 0.45 on 10/11/23; 0.48 on 10/10/23, but 1.5 on 10/6/23. These inconsistencies may account for some of the difficulty in calculating the overall hours worked by a caseworker, and the resulting fees.

3/13/23	Alexander Hartz	Preparation for Hearing including Reviewing Direct, Cross, Opening and Closing Arguments and Preparing Exhibits	1.50	\$250	\$375	Allow - Obj. overruled	0.00
3/10/2023	Alexander Hartz	Rehearsing, direct, cross, and opening/closing statements	1.00	\$250	\$250	Allow - Obj. overruled	0.00
3/3/2023	Alexander Hartz	Hearing preparation - reviewing respondent's pre-hearing materials and court's order on motions <i>in limine</i>	1.00	\$250	\$250	Allow - Obj. overruled	0.00
2/22/2023	Alexander Hartz	Emailed OPC ⁶	0.20	\$250	\$50	Ded. .2/ HO - vague	0.20
2/6/2023	Alexander Hartz	Cl Call	0.10	\$250	\$25	Ded. .1/ HO - vague	0.10
1/30/2023	Alexander Hartz	Cl call	0.15	\$250	\$37.50	Ded. .15/ HO - vague	0.15
1/24/2023	Alexander Hartz	Cl Call	0.16	\$250	\$40	Ded. 0.16/ HO - vague	0.16
11/29/2022	Alexander Hartz	Call w/Cl	0.20	\$250	\$50	Ded 0.20/ HO - vague, and 0.61 billed as "CL call"	0.20
11/1/2022	Alexander Hartz	Hearing Preparation - Reviewing Motions <i>in Limine</i> and Motion to Strike and Printing Exhibits	1.00	\$250	\$250	Allow - Obj. overruled	0.00
11/1/2022	Alexander Hartz	Third Pre-Hearing - Travel, 3 rd Pre-Hearing, Meeting with Cl at CCHR	0.50	\$125	\$62.50	Allow - Obj. overruled	0.00
11/1/2022	Alexander Hartz	Third Pre-Hearing - Travel, 3 rd Pre-Hearing, Meeting with Cl at CCHR	1.00	\$250	\$250	Ded. 1.00/ Obj sustained/ HO - duplicative of entry for 11/1/2022 at 0.50	1.00
10/31/2022	Alexander Hartz	Hearing Preparation - closing argument, cross examinations,	5.00	\$250	\$1,250	Ded. 2.0/ Obj. sustained in part,	2.00

⁶ Respondent objected that “[m]ultiple entries in the Timekeeping Log are so vague that Respondent cannot ascertain to what task they refer.” *See*, Resp. Objections, pp. 7-8. Although Respondent did not include specific line items as being too vague, other than to refer to “10/11/23 matrix”, “10/11/23 fee formulas (.15)”, *Id.*, at p. 8, the Hearing Officer agrees that a number of line entries were vague. The Hearing Officer included other entries where Respondent did not raise an objection, but where the entries did not have specific details. It is understandable that an attorney may want to exercise caution in making time entries in a manner so as not to divulge information which may be privileged and/or confidential; however, to recover those fees, the attorney must still provide detail sufficient for the decision maker to determine whether the entries are reasonable. For example, it simply is not acceptable to just say “CL Call,” or “Phone call.” as Attorney Hartz did in a number of entries.

		and damages case support research				hrs. Duplicative and/or excessive	
10/28/2022	Alexander Hartz	Drafting direct and crosses for hearing	4.00	\$250	\$1,000	Ded. 1.0/ HO - hours seem duplicative and/or excessive	1.00
10/28/2022	Alexander Hartz	Serving and Filing Motions	0.13	\$250	\$32.50	Ded 0.13/ HO - clerical	0.13
10/27/2022	Alexander Hartz	Hearing Preparation - Direct Ex., Commission Decision Research, Review Damages	3.50	\$250	\$875.00	Ded. 1.0/ Obj sustained in part, hrs. seem duplicative and/or excessive	1.00
10/27/2022	Alexander Hartz	Visited OPC's Office Address	0.35	\$250	\$87.50	Ded. 0.35/ Obj sustained, HO - clerical	0.35
10/26/2022	Alexander Hartz	Mailed and Emailed Letter Re: Hearing	0.50	\$250	\$125.00	Ded. 0.50/ Obj sustained, HO - clerical	0.50
10/26/2022	Alexander Hartz	Legal Research on Damages	1.00	\$250	\$250.00	Allow/ Obj. overruled	
10/14/2022	Alexander Hartz	Serving and Filing Pre-Hearing Memo	0.16	\$250	\$40.00	Ded 0.16/ Obj sustained, HO - clerical	0.16
10/14/2022	Alexander Hartz	Preparing Exhibits	0.25	\$250	\$62.50	Ded. 0.25/ HO - clerical	0.25
9/20/2022	Alexander Hartz	Travel to and From Pre-Hearing	1.00	\$125	\$125.00	Allow/ Obj. overruled	
8/17/2022	Alexander Hartz	Phone Call	0.16	\$250	\$40.00	Ded. 0.16/ HO - vague	0.16
8/11/2022	Alexander Hartz	Phone Call - No ans	0.16	\$250	\$40.00	Ded. 0.16/ HO - vague	0.16
7/15/2022	Alexander Hartz	Phone Call	0.11	\$250	\$27.50	Ded. 0.11/ HO - vague	0.11
6/1/2022	Alexander Hartz	Phone Call- Pre Mediation Discussion	1.25	250	\$312.50	Ded. 0.75/ HO - excessive given the 0.84 time billed on same day	0.75
5/27/2022	Alexander Hartz Phone Call		0.16	\$250	\$40.00	Ded. 0.16/ HO - vague	0.16
5/5/2022	Alexander Hartz, Phone Call		0.25	\$250	\$62.50	Ded. 0.25/ HO - vague	0.25

Totals			33.30	250	\$8,137.50		13.95
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Attorney Hartz was the lead attorney on this case. He performed his duties satisfactorily, and the Hearing Officer notes that he achieved a good result for his client. In general, the hours sought by Attorney Hartz are reasonable.⁷ However, the Hearing Officer considered the 33.30 hours that were subject to the Hearing Officer's determination as to reasonableness, or that were objected to by Respondent. The Commission agrees with the Hearing Officer's determination that 13.95 hours, at the rate of \$250/hour, should be deducted from Hartz's total hours, amounting to a reduction in fees of \$3,487.50.

2. Julie Pautsch

Date of Service	Caseworker	Activity Details	Time Charged	Hrly Rate	Charge	Recommendation	Hrs. Deducted
10/11/2023	Julie Pautsch	matrix	0.4	\$340.00	\$136.00	Ded. 0.4/ Obj sustained/ HO - vague	0.40
3/9/2023	Julie Pautsch	discuss hearing w AH at supe	0.5	\$340.00	\$170.00	Allow/ Obj. overruled	
3/9/2023	Julie Pautsch	review dox sent by OC (.4); discuss strat w AH (.2)	0.6	\$340.00	\$204.00	Allow/ Obj. overruled	
11/1/2022	Julie Pautsch	travel back to office	0.4	\$340.00	\$68.00	Allow/ Obj. overruled	
11/1/2022	Julie Pautsch	travel to CCHR	0.8	\$340.00	\$136.00	Allow/ Obj. overruled	
10/13/2022	Julie Pautsch	revised pre-hearing memo w/ research	5.6	\$340.00	\$1,904.00	Ded 1.0/ HO- hrs. excessive	1.00
			8.3		\$2,618.00		1.40

Attorney Pautsch was the supervising attorney; in general, the hours she billed appear reasonable, particularly given her attestation that she used billing judgment to eliminate time

⁷ The Commission agrees with the Hearing Officer and overrules Respondent's objections that "this case did not involve novel or difficult issues, citing Ill. Supreme Court Rule 1.5 (a)," thus requiring that a number of the hours be stricken as excessive. Resp. Obj., pp. 4-6. It is true that the Commission has considered the difficulty of a case in determining whether fees are reasonable, but that does not mean that because this case involved the sole issue of whether Respondent discriminated against Complainant based on her source of income, that it was such a simple case that an overall reduction is justified. It should be noted here that Respondent caused the need to reschedule the hearing, refused initially to consult with Complainant's attorney regarding preparing agreed facts (which would have reduced the number of hours needed to prepare), and vigorously disputed liability. Further, Respondent seemed to struggle with following Commission Rules; even now, Respondent has failed to file a change of address form, although Respondent's attorney's last correspondence reflected a change of address. Respondent should not now be allowed to claim that the hours expended were unreasonable.

spent on administrative tasks, and duplicative entries, such as time spent with other attorneys. See, Fee Petition, Exh. D, ¶7. However, the Hearing Officer considered the 8.30 hours that were subject to the Hearing Officer’s determination as to reasonableness or were objected to by Respondent. The Commission agrees with her determination that 1.40 hours, at the rate of \$340/hour, should be deducted from Pautsch’s total hours, amounting to a reduction in fees of \$476.

3. John Robertson

Date of Service	Caseworker	Activity Details	Time Charged	Hrly Rate	Charge	Recommendation	Deduction
12/5/2022	John Robertson	Mailed COS via FedEx and completed case note w/ tracking slip.	0.25	\$125	\$31.25	Allow - Obj. overruled	0.00
11/1/2022	John Robertson	Sent FedEx request. Printed and sent Motions to strike and motions in limine. Wrote case note for next steps.	0.25	\$125	\$31.25	Allow - Obj. overruled	0.00
10/14/2022	John Robertson	Edited Pre-Hearing Memo, Teams msg'd w/ JP and AH, researched damages	3	125	375	Ded 1.0/ HO -hrs. billed excessive	1.00
9/30/2022	John Robertson	Started Pre-Hearing Memo draft.	2	\$125	\$250.00	Ded 0.5/ HO - hrs. billed excessive	0.50
8/11/2022	John Robertson	TC w/ CL and AH.	0.75	\$125	\$93.75	Ded 0.75/ HO-vague	0.75
8/9/2022	John Robertson	TC w/ CL and EK.	1.25	\$125	\$156.25	Ded 1.25/ HO- vague	1.25
			7.5		\$937.50		3.50

Robertson was one of two paralegals who worked on this case and submitted bills. In general, his hours appear reasonable. However, the Hearing Officer considered the 7.50 hours that were subject to the Hearing Officer’s determination as to reasonableness, or were objected to by Respondent. The Commission agrees with her determination that 3.50 hours, at the rate of \$125/hour, should be deducted from Robertson’s total hours, amounting to a reduction in fees of \$437.50.

4. Emily Williams

Date of service	Caseworker	Activity Detail	Hours	Rate	Charge	Recommendation	Deductions
10/11/2023	Emily J Williams	fee formulas (0.15)	0.45	\$125	\$56.25	Ded. 0.45/ HO - vague	0.45
10/10/2023	Emily J Williams	Coding for excel attorney fees spreadsheet	0.48	\$125	\$60.00	Allow - Obj. overruled	0.00
10/6/2023	Emily J Williams	Compiling and reviewing itemized timesheet	1.5	\$125	\$187.50	Ded. 0.5/ Obj. sustained in part, HO - excessive	0.50
			2.43		\$303.75		0.95

Williams' paralegal services were performed in helping the team prepare the fee petition and appear to be reasonable. Work on preparing an attorney fee petition may be recovered. *See, e.g., Ordon v. Al-Rahman Animal Hospital*, CCHR 92-E-139 (Nov. 17, 1993); and *Huezo v. St. James Properties*, CCHR 90-E-44 (Oct. 9, 1991). Therefore, Respondent's objection in this regard is overruled. However, the Hearing Officer considered the 2.43 hours that were subject to the Hearing Officer's determination as to reasonableness, or were otherwise objected to by Respondent. The Commission agrees with the Hearing Officer's determination that 0.95 hours, at the rate of \$125/hour, should be deducted from Williams' total hours, amounting to a reduction in fees of \$118.75.


The total initial amount of attorney fees (including the Hearing Officer's initial adjustment) is \$26,068.65. The total adjusted hours are 112.62, from the original 116.07 hours sought in the Fee Petition, reduced due to mathematical errors, and the increase in Attorney Hartz's fees, again due to re-calculation. The Commission agrees with the Hearing Officer's recommendation that 19.80 hours, or \$4,513.50 in fees, be deducted from the initial adjusted fees of \$26,068.65, for a total of \$21,555.15, as reasonable attorney fees due to Complainant.

IX. CALCULATIONS AND CONCLUSION

In conclusion, the Commission orders Respondent to pay attorney fees in the amount of \$21,555.15, as follows:

1. Alexander Hartz – Attorney fees of \$15,300
2. Julie Pautsch – Attorney fees of \$3,641.40
3. John Robertson – Paralegal fees of \$2,146.25
4. Emily Williams – Paralegal fees of \$467.50

CHICAGO COMMISSION ON HUMAN RELATIONS



By: Nancy Andrade

Entered: March 14, 2024