

United States Court of Appeals  
For the Eighth Circuit

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No. 17-1290

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Shelia Kay Jones

*Plaintiff - Appellant*

v.

Nancy A. Berryhill, Acting Commissioner, Social Security Administration

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Little Rock

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Submitted: October 25, 2017

Filed: October 30, 2017

[Unpublished]

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Before LOKEN, MURPHY, and SHEPHERD, Circuit Judges.

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PER CURIAM.

After plaintiff Shelia Jones was awarded past-due disability benefits by the Social Security Administration (SSA) on remand by the district court, she sought--through counsel--\$13,000 in attorney's fees under 42 U.S.C. § 406(b). The district court found that the hourly fee resulting from the requested amount was excessive, and that the \$4,244.82 previously awarded under the Equal Access to

Justice Act--upon the district court's remand to the SSA--was appropriate. Jones appeals.

The Supreme Court has stated that, while the district court may consider the hourly rate in determining the reasonableness of a fee award, the court must first consider the fee agreement, testing it for reasonableness; then reduce the fees based on the character of the representation and results achieved, whether counsel was responsible for delay, and whether the benefits achieved were large in comparison to the time expended by counsel. See Gisbrecht v. Barnhart, 535 U.S. 789, 807-08 (2002). Because the record does not show whether the district court conducted the required analysis, we conclude that remand is appropriate. See Jorstad v. IDS Realty Trust, 643 F.2d 1305, 1312 (8th Cir. 1981) (abuse of discretion review); see also Martin v. Franklin Capital Corp., 546 U.S. 132, 139 (2005) (decision left to district court's discretion must still be guided by sound legal principles).

Accordingly, we remand the case for further consideration consistent with this opinion.

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