

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

RANDY LEE GODFREY

PLAINTIFF

v.

No. 3:11-cv-40-DPM

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration**

DEFENDANT

ORDER

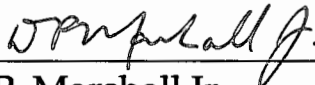
The motion for attorney's fees and costs, *Document No. 16*, is granted as modified. The parties agree that Godfrey is entitled to a reasonable fee in the wake of this Court's remand, but they dispute various particulars.

First, the Court rejects the Commissioner's request for an across-the-board cut based on the original .25 billing increments; Godfrey's lawyer submitted a revised time sheet with .10 billing increments, which the Court will use. Second, the Court likewise rejects the Commissioner's argument from alleged excessiveness. The revised timesheet eliminates some challenged entries. More importantly, the briefing for the Appeals Council was, it is clear to the Court, the bones and some meat of the briefing here.

Third, the hourly rate: taking into account the Consumer Price Index, as well as the Equal Access to Justice Act fee awards from past cases within Arkansas, and the proposed rates provided by each of the parties, the Court believes that an hourly rate of \$180.00 will reasonably compensate the plaintiff's attorney for the work performed in this case. *Theis v. Astrue*, 828 F. Supp. 2d 1006, 1009 (E.D. Ark. 2011).

The Court awards a reasonable attorney's fee of \$5,922.00 (32.9 hours at \$180 an hour), payable to Godfrey, and costs of \$17.13, payable to Godfrey's lawyer. Both checks should be mailed to Godfrey's lawyer.

So Ordered.



D.P. Marshall Jr.
United States District Judge

19 September 2012