

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

PATRICIA ANN SMITH

PLAINTIFF

V.

NO. 3:12CV00070 JTR

CAROLYN W. COLVIN,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Pending before the Court is Plaintiff's Motion requesting an award of attorney's fees under the Equal Access to Justice Act ("EAJA"). (Docket entry #14).

Plaintiff's attorney, David J, Throesch, requests a total payment of \$5,049.00 in attorney's fees, consisting of 28.05 hours of attorney time at the hourly rate of \$180. The Commissioner objects to some of counsel's time entries, arguing that they are either excessive or represent non-compensable time spent on clerical work. (Docket entry #16). The disputed entries are addressed below:

- **03-08-12 Reviewed CM/ECF online Complaint & IFP Motion [0.50 hours]**

This entry is redundant and excessive because Plaintiff's counsel billed for 3.5 hours of time, on March 7, 2012, for preparation of the Complaint and summons. The Court deducts the entirety of this .50 entry.

- **03-14-12 Reviewed Consent to Proceed before Magistrate Prepared and returned same to the Court [0.50 hours]**
- **03-20-12 Reviewed order granting Plaintiff's Motion to Proceed in Forma Pauperis, and Summons were issued and forwarded to us for Service [0.50 hours]**
- **03-22-12 Received Summons and prepared for service to The Attorney General, U.S. Attorney, and the Office of the Regional Chief Counsel and delivery To US Post Office for certified mailing [1.00 hour]**

Two hours of attorney time for the preparation and review of the consent form, summonses, and *in forma pauperis* documentation is excessive and largely clerical. *See Ashworth v. Astrue*, 2012 WL 1365171 (W.D. Ark. 2012) (clerical tasks are not compensable under the EAJA). The Court reduces these entries to a total of .25 hours of compensable time.

- **05-29-12 Reviewed Notice of Appearance by U.S. Attorney on behalf of the SSA [0.15 hours]**
- **05-29-12 Reviewed Notice By SSA of Conventional Filing of Administrative Transcript [0.15 hours]**
- **05-30-12 Reviewed Scheduling Order from the Court and documented calendar accordingly with proper ticklers [0.50 hours]**

An hour of attorney time to review standard form notices is excessive, and calendaring is not compensable. *See Turner v. Astrue*, 2009 WL 773001 (W.D. Ark. Mar. 18, 2009) (calendaring and other work that could have been completed by support staff is not compensable under the EAJA) (*citing Granville House, Inc. v. Department*, 813 F.2d 881, 884 (8th Cir. 1987)). The Court reduces these entries to a total of .2 hours of compensable time.

- **05-29-12 Received and reviewed the Answer to Complaint and received and reviewed and printed the transcript of the complete administrative record [2.00 hours]**

Two hours billed for time including review of the Commissioner's Answer and the "printing" of the administrative transcript is excessive and partly clerical. The Court reduces this entry to 1 hour of compensable time.

- **06-19-12 Filed Plaintiff's Brief and letter to Client Stating Brief was filed [0.50 hours]**

The act of filing is clerical and therefore not compensable. This entry is reduced to .1 hours of compensable time.

- **04-26-12 Telephone call from Client – wanted status [0.75 hours]**
- **08-14-12 Telephone Call from Client wanting Status [0.75 hours]**
- **09-21-12 Telephone Call from Client wanting Status [0.50 hours]**
- **10-30-12 Telephone conferene with Client discussing and explaining the Order from the Court [0.75 hours]**

2.75 hours of “status” telephone calls with a client in a social security case is excessive. The Court reduces these entries to a total of .5 hours of compensable time.

- **11-13-12 Prepared EAJA pleadings [2.00 hours]**

Plaintiff’s counsel’s EAJA papers are largely boilerplate and appear to be copied from pleadings used in other cases. The Court reduces this entry to 1 hour of compensable time.

The Court concludes that Plaintiff’s counsel is entitled to compensation for 20.75 hours of attorney time, which constitutes a reasonable award under the EAJA.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Attorney’s Fees Pursuant to the EAJA (docket entry #14) is GRANTED, IN PART. IT IS FURTHER ORDERED that Plaintiff is awarded \$3,735.00 in attorney’s fees under the EAJA.

Dated this 2<sup>nd</sup> day of April, 2013.

  
UNITED STATES MAGISTRATE JUDGE