

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN RICHARDSON,

Plaintiff,

v.

OPINION and ORDER

ANDREW SAUL,
Commissioner of the Social Security Administration,

18-cv-188-jdp

Defendant.

Meredith Marcus, counsel for plaintiff, moves under 42 U.S.C. § 406(b) for a fee award of \$ 23,100 after plaintiff was awarded \$116,188.00 in past-due benefits. Dkt. 21. Counsel's requested fee represents approximately 20% of plaintiff's past-due benefits, so it falls within the amount allowed by statute and the parties' fee agreement. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 792 (2002); Dkt. 21-2.

The total amount of time that counsel's firm spent on this case for proceedings in this court was 23.1 hours, resulting in a proposed effective rate of \$1,000 an hour. Of the 23.1 hours, 17.7 hours was attorney time and the remainder was for counsel's legal assistants. Dkt 21-3 and Dkt. 21-4. Counsel acknowledges the high rate, but she says that it is justified by the excellent results she obtained. Specifically, she says that plaintiff will potentially receive an additional \$335,800 in disability benefits over his lifetime. In *Evans v. Berryhill*, No. 12-cv-888-jdp, 2018 WL 835172 (W.D. Wis. Feb. 13, 2018), this court approved an effective rate of \$1,000 under similar circumstances, so counsel's motion is GRANTED. For simplicity, the court will subtract counsel's \$3,951.32 fee under the Equal Access to Justice Act, which would

otherwise have to be refunded to plaintiff. The court APPROVES a representative fee of \$19,148.68

Entered November 23, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge