LINDA JONES, WIFE OF/AND ALEXANDER ESPADRON	*	**NO. 2000-CA-1119**
	*	**COURT OF APPEAL**
VERSUS		
	*	**FOURTH CIRCUIT**
FIRST EQUITY, INC.		
	*	**STATE OF LOUISIANA**
	*	
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APPEAL FROM
PLAQUEMINES 25TH JUDICIAL DISTRICT COURT
NO. 40-538, DIVISION "A"
Honorable Luke Petrovich, Judge
* * * * * *
JOAN BERNARD ARMSTRONG

JUDGE

* * * * * *

(Court composed of Judge Joan Bernard Armstrong, Judge Steven R. Plotkin and Judge David S. Gorbaty)

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AFFIRMED.

This appeal involves an attorney fee dispute. The plaintiffs' former attorney intervened seeking payment of an attorney fee. He sought $15,800 for 79 hours of services at $200 per hour plus $1,245 in expenses and costs. The plaintiffs objected and argued that he should be paid nothing at all or, in the alternative, only $2,000. The trial court awarded the former attorney $7,500. The plaintiffs appeal.

The plaintiffs assert that they discharged their former attorney for cause because he was verbally abusive to them. The former attorney denies any verbal abuse and asserts that the plaintiffs did not understand the legal situation, felt that the entire legal system was out to get them and were frustrated. He also points out that he was the third attorney to represent the plaintiffs.

Apparently, the trial court felt the former attorney had done nothing which should cause him to be denied a reasonable fee. From the record, it appears that the attorney did perform substantial legal services for the plaintiffs and, in so far as can be determined from the record, did so in a competent manner. The attorney should be paid a reasonable fee for the

work that he did prior to being discharged. The attorney represented the plaintiffs from November 10, 1998 and performed legal services for them until at least March 10, 1999. The case was set for trial on March 1, 1999. On the evening of February 26, 1999, on the eve of trial, the plaintiffs delivered a letter to the attorney apparently terminating him although in a conditional sort of way. However, the attorney appeared with the plaintiffs at trial on March 1, 1999 and the plaintiffs confirmed on the record that they were still represented by the attorney. Apparently, the plaintiffs delivered another unequivocal, termination letter to the attorney on April 12, 1999.

The plaintiffs complain that 45 of the 79 hours for which the attorney billed them were for work performed after they had fired him. Apparently, the plaintiffs are basing this argument on their having fired the attorney on February 26, 1999. However, the February 26, 1999 letter was conditional and the plaintiffs confirmed on the record in open court on March 1, 1999 that the attorney still represented them. The plaintiffs complain that the attorney charged them for a six hour court appearance on March 1, 1999 and that "there is no credible evidence of a six hour trial or hearing in this case". However, the transcript of the March 1, 1999 trial is in the record, the attorney was present and represented the plaintiffs (and the plaintiffs themselves were also present) and, based upon the length of the proceedings,

charges for six hours are correct. We do agree that some of the charges claimed by the attorney are not recoverable and they include 12 hours defending against a disciplinary complaint made by the plaintiffs, 4 hours researching, preparing and filing an intervention and 8 hours monitoring the case after filing the intervention. However, after those 24 hours are subtracted, there are still 55 hours of facially recoverable claims. The $7,500 awarded by the trial court amounts to $136.36 per hour for 55 hours. The trial court either found the $200 hourly rate too high or disallowed some of the 55 hours. At any rate, the trial court, which is in the best position to know what was done in the case, was not clearly wrong-manifestly erroneous in setting the reasonable attorney's fees at $7,500. The plaintiffs assert that they paid the attorney $1,300 in cash but this is almost exactly the amount of the $1,245 in costs and expenses incurred.

For the foregoing reasons, we affirm the judgment of the trial court.

AFFIRMED.