

STATE OF MICHIGAN
COURT OF APPEALS

SHAWN F. TOWNSEND,

Plaintiff-Appellant,

V

KEITH'S AUTO SALES, EARL GUTSHALL,
and DOUGLAS HAMILTON,

Defendants-Appellees,

and

KEITH HAMILTON and ERIC HAMILTON,

Defendants.

UNPUBLISHED

June 28, 2002

No. 229776

Ingham Circuit Court

LC No. 99-090334-CH

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

MEMORANDUM.

Plaintiff appeals as of right the judgment for costs and attorney fees. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action under the Michigan Consumer Protection Act, asserting that defendants engaged in unlawful practices in financing a car she purchased. Defendants admitted liability in their answer, and a trial was held as to damages, resulting in a verdict for plaintiff of \$1,815.88. The court awarded attorney fees of \$2,000.00.

MCL 445.911(2) authorizes a plaintiff who suffers a loss as a result of a violation of the Consumer Protection Act to recover reasonable attorneys' fees. *Smolen v Dahlmann Apartments, Ltd*, 186 Mich App 292, 295; 463 NW2d 261 (1990). This Court will review a trial court's decision regarding a reasonable attorney fee for abuse of discretion. *Head v Phillips Camper Sales & Rental, Inc*, 234 Mich App 94, 113; 593 NW2d 595 (1999). In determining a reasonable fee, the court must consider the special circumstances presented by a consumer protection act case. *Id.* The court must also consider the factors set forth in *Crawley v Shick*, 48 Mich App 728, 737; 211 NW2d 217 (1973):

* Circuit judge, sitting on the Court of Appeals by assignment.

(1) the professional standing and experience of the attorney; (2) the skill, time and labor involved; (3) the amount in question and the results achieved; (4) the difficulty of the case; (5) the expense incurred; and (6) the nature and length of the professional relationship with the client.

The court is not limited to considering the *Crawley* factors and may adjust the attorney fee in light of the results of the proceeding. *Head, supra*, 114.

The trial court applied the *Crawley* factors. There was no evidence regarding the professional standing and experience of counsel. The case was not complicated and defendant admitted liability. The amount in question was not great, and the relationship between counsel and client was poor. The court also observed that plaintiff was substantially responsible for her loss and her settlement demands were unreasonable. The trial court then awarded fees in excess of the recovery received by plaintiff, supporting the purposes of the consumer protection act. Plaintiff has failed to show that the trial court abused its discretion.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas