



City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, Suite 400, Chicago, IL 60654
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

IN THE MATTER OF:

Mirta Barrera
Complainants,
v.

American Dental Associates, Ltd., and Dr. Dhiraj
Sharma
Respondents.

Case No.: 13-E-60

Date of Ruling: April 14, 2016

Date Mailed: May 2, 2016

TO:

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FINAL ORDER ON ATTORNEY FEES AND COSTS

YOU ARE HEREBY NOTIFIED that on April 14, 2016, the Chicago Commission on Human Relations issued a Final Ruling on Attorney Fees and Costs in favor of Complainant in the above-captioned matter. The Commission orders Respondents to Complainant attorney fees in the total amount of \$21,773.25 and costs in the amount of \$643.20, for a total award of \$22,416.45. The findings and specific terms of the ruling are enclosed.

Pursuant to Commission Regulations 100(15) and 250.150, a party may obtain review of this order by filing a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law at this time. Compliance with this Final Order and the Final Order on Liability and Relief entered July 9, 2015, shall occur no later than 28 days from the date of mailing of this order.¹ Reg. 250.210.

CHICAGO COMMISSION ON HUMAN RELATIONS

¹ **Compliance Information:** Parties must comply with a final order after administrative hearing no later than 28 days from the date of mailing of the later of a Board of Commissioners' final order on liability or any final order on attorney fees and costs, unless another date is specified. CCHR Reg. 250.210. Enforcement procedures for failure to comply are stated in Reg. 250.220.

Payments of attorney fees and costs are to be made to Complainants' attorneys of record as noted above.

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IN THE MATTER OF:

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Dhiraj Sharma,
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Case No.: 13-E-60

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FINAL RULING ON ATTORNEY FEES AND COSTS

I. INTRODUCTION

On July 9, 2015, the Chicago Commission on Human Relations ruled in favor of Complainant Mirta Barrera in her complaint against Respondents American Dental Associates, Ltd., and Dr. Dhiraj Sharma for discrimination in employment. Specifically, the Commission found that Respondents had discriminated against Complainant based on her religion by failing to allow Complainant to wear her hijab at work, which was a reasonable accommodation of her religious beliefs, observances and practices. This ruling was mailed to the parties on August 4, 2015. Included in the ruling was a finding that Respondents were liable for attorney fees and costs to be determined pursuant to the procedures outlined in CCHR Reg. 240.630, and further orders of the Commission.

CCHR Reg. 240.630 requires a successful complainant seeking attorney fees to file a petition for fees within 28 days of the mailing of the Commission's ruling; any other party must file any objections to a complainant's petition for fees within 14 days after the filing of the petition. On September 1, 2015, Complainant filed a petition for attorney fees and costs. Respondent did not file any objections to the petition with the Commission within 14 days of this filing.

On October 1, 2015, the hearing officer issued an order finding that Complainant's petition was incomplete and required additional information. Complainant was given 14 days in which to amend her fee petition. On October 15, 2015, Complainant filed a request for an extension of that deadline, noting that her trial counsel that provided counsel for her hearing had left the organization and that she had new counsel. This request for an extension was granted by the hearing officer on October 19, 2015; an additional 14 days in which to file the amendments was granted. On November 2, 2015, Complainant filed her amended fee petition seeking \$24,821.50 in attorney fees and 643.20 in costs; again Respondents did not file a response.

On December 1, 2015, Respondents, by new counsel, filed a motion for additional time in which to file a response to Complainant's fee petition. By order of the hearing officer,

Respondents were given until December 21, 2015, to file any objections. To date, no objections to the Complainant's fee petition have been filed.¹

II. APPLICABLE LEGAL STANDARDS

Section 2-120-510(1) of the Chicago Municipal Code authorizes the Commission to order "reasonable attorney fees, expert witness fees, witness fees and duplicating costs, incurred in pursuing the complaint before the Commission or at any stage of judicial review." CCHR Reg. 240.630 (a)(1) requires the petitioner to file:

A statement showing the number of hours for which compensation is sought in segments of no more than one-quarter hour, itemized according to the date performed, the work performed, and the individual who performed the work.

CCHR Reg. 240.630 (a)(2) requires the petitioner to file:

A statement of the hourly rate customarily charged by each individual for whom compensation is sought, or in the case of a public or non-profit law office which does not charge fees or which charges fees at less than market rates, documentation of the rates prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise.

Finally, CCHR Reg. 240.630 (a)(3) requires the petitioner to file:

Documentation of costs for which reimbursement is sought.

Decisions of the Commission have established the standards for determining whether the fees are reasonable. The Commission uses the lodestar method of determining whether attorney fees are reasonable. See, e.g., *Leadership Council for Metropolitan Open Communities v. Souchet*, CCHR No. 98-H-107 (May 17, 2001). Using that method, the Commission determines whether the hours spent on individual tasks were reasonable, then multiplies the hours by the hourly rate customarily charged by the attorneys. See, e.g., *Jones v. Lagniappe-A Creole Cajun Joynt, LLC, et al.*, CCHR No. 10-E-40 (May 15, 2013) and cases cited therein. This process also applies when a complainant seeks fees for law clerks and paralegals. *Leadership Council for Metropolitan Open Communities v. Souchet, supra*.

As noted above, the Commission's regulations recognize that public interest attorneys may not charge any rates or may charge reduced rates, so those attorneys must file affidavits that support their proposed hourly billable rate as the customary rates for attorneys of comparable experience and expertise in the community. *Hamilton and Hamilton v. Café Descartes*, CCHR No. 13-P-05/06 (Dec. 17, 2014); *Flores v. Taste of Heaven, et al.*, CCHR No. 06-E-32 (Jan. 19, 2011). Fees do not have to be proportional to the amount of damages awarded. *Lockwood v. Professional Neurological Services, Ltd.*, CCHR No. 06-E-89 (Jan. 20, 2010). The party seeking fees has the burden of presenting sufficient evidence from which the Commission can determine the fees are reasonable. *Brooks v. Hyde Park Realty Co.*, CCHR No. 02-E-116 (June 16, 2004).

¹ On January 11, 2016, Respondents filed a Petition for Common Law Writ of Certiorari in the Chancery Court of Cook County seeking review of the Commission's ruling in this case. Respondents did not file objections to the Recommended Ruling or Complainant's Petition for Fees and Costs prior to filing the *Petition for Common Law Writ of Certiorari*. The Chancery Court of Cook County has issued no orders in response to Respondents' Petition to date.

Despite Respondents' failure to file objections, the Commission has an independent duty to review the petition to assure that the petition conforms to the Commission's regulations and that the request is reasonable. *Warren and Elbert v. Lofton & Lofton Mgmt. d/b/a McDonald's et al.*, CCHR No. 07-P-62/63/92 (May 19, 2010).

III. REASONABLE HOURLY RATES

According to Complainant's fee petition, two attorneys and two law clerks from the Council on American-Islamic Relations Chicago office ("CAIR-Chicago") provided legal counsel to Complainant. CAIR-Chicago is a private non-profit organization which provides low-cost or no-cost legal representation depending on the client's income. Kevin Vodak, the Litigation Director of CAIR-Chicago, was one of two attorneys for Complainant; he has been a licensed attorney in the State of Illinois since 1999. Rabya Khan was the second of two attorneys for Complainant at the hearing; she has been a licensed attorney in the State of Illinois since 2009. The two law clerks were law students who worked at CAIR-Chicago on a "volunteer basis." The fee petition was accompanied by a detailed listing of all hours for which the petitioners sought compensation, affidavits by the CAIR-Chicago attorneys, affidavits by two Chicago-area civil rights attorneys² filed in support of the hourly rate sought by each attorney, and information about the rate of pay of City of Chicago law clerks.

The hourly rates for each attorney and the law clerks will be considered separately below.

Kevin Vodak has 17 years of legal experience; he has been the Litigation Director of CAIR-Chicago since 2008, where he litigated over 100 employment discrimination and other civil rights cases and supervised the work of staff attorneys. He seeks attorney fees at the rate of \$300 per hour. Mr. Vodak notes that in 2009, federal Judge Amy St. Eve found that \$280 was a reasonable hourly rate for his work on an employment discrimination case. *Yasin v. Sheriff of Cook County*, No. 07 C 1266 (N.D. Ill. Dec. 2, 2009). Similar rates for attorneys with even fewer years of experience and expertise have been found reasonable by the Commission. See, e.g., *Pierce and Parker v. New Jerusalem Christian Development Corp.*, CCHR No. 07-H-12 and 07-H-13 (May 16, 2012) (\$300 a reasonable rate for attorney with 5 years' experience in civil rights cases); *Flores, supra*, (\$300 reasonable for junior attorney with 4-5 years' experience). The affidavits of both Ms. Shuman Moore and Mr. Geoghegan supported Mr. Vodak's requested rate of \$300 per hour as "well within the range of local market for attorneys of similar experience and qualifications." Mr. Vodak provided good representation to his client and appeared prepared at all hearings. The hearing officer found that the requested rate of \$300 per hour for Mr. Vodak is reasonable.

Rabya Khan has been licensed to practice law since 2009 in the State of Illinois. She is seeking \$250 per hour for her representation of Complainant during the administrative process. The \$250 per hour rate is attested to by both the civil rights attorneys filing supporting affidavits as "well within the range of local market for attorneys of similar experience and qualifications." Similar rates for attorneys with similar years of experience and expertise have been found reasonable by the Commission. See *Lockwood, supra* (\$350 billing rate for "senior associate" of unspecified number of years found reasonable by the Commission); *Pierce and Parker v. New Jerusalem Christian Development Corp., supra* (\$300 reasonable for junior attorney with 4-5 years' experience); and *Flores, supra* (\$300 reasonable for junior attorney with 4-5 years'

² Elizabeth Shuman Moore of the Chicago Lawyers' Committee for Civil Rights Under Law (34 years of private and non-profit legal practice in plaintiff's civil rights cases); and Thomas Geoghegan (36 years of private practice and teaching in employment and civil rights cases).

experience). Based on Ms. Khan's experience and expertise, the hearing officer determined that the requested rate of \$250 per hour for Ms. Khan is reasonable.

Two law clerks (Aziza Khatoon and Anzur Ismail) provided 11.5 hours of service for which CAIR-Chicago seeks reimbursement of \$15 per hour. The Commission has long held that the reasonable fees of law clerks and paralegals may be reimbursed so long as payment for paralegal and law clerk services is the prevailing practice in Chicago and whether they provide the type of work normally charged to paying clients. *Nash/Demby v. Sallas Realty & Sallas*, CCHR No. 92-H-128 (Nov. 15, 1995). Like attorney fees, fees for law clerks and paralegals are compensable even if clients did not actually pay for their services, similar to lawyers who work for public interest organizations. *Hamilton and Hamilton v. Café Descartes, supra*; *Leadership Council for Metropolitan Open Communities v. Souchet, supra*. In support of the requested hourly fee of \$15 per hour, Complainant attached a screenshot from a website purporting to show that the City of Chicago paid \$15 per hour for law clerks. Neither of the affiants addressed the question of whether the law clerk compensation rate requested was reasonable. In past cases, the Commission has routinely authorized awards in multiples of the amount requested by Complainant for law clerks. *Gray v. Scott*, CCHR No. 06-H-10 (Nov.16, 2011)(hourly rate of \$75 for Rule 711 law students found reasonable); *Sullivan-Lackey v. Godinez*, CCHR No. 99-H-89 (Sep. 21, 2005) (\$60 per hour for law students); *Leadership Council for Metropolitan Open Communities v. Souchet, supra* (\$50 per hour). Had Complainant asked for a rate comparable to those awarded in previous Commission cases, it would have been granted, but they did not request such a rate. The hearing officer found that the requested rate of \$15 per hour for the two law clerks should be allowed as it is well below the rate normally found reasonable.

IV. ADJUSTMENT FOR UNSUCCESSFUL CLAIMS

As noted above, Respondents failed to file any objections to Complainant's fee petition. However, the Commission has an independent responsibility to review the petition to assure appropriate fees are awarded. *Warren and Elbert v. Lofton & Lofton Mgmt. d/b/a McDonald's et al., supra*. Thus it is necessary to review Complainant's petition to assure that fees are awarded only for prosecuting successful claims. *Gilbert and Gray v. 7355 South Shore Condominium et al.*, CCHR No. 01-H-18/27 (June 20, 2012); *Tarpein v. Polk Street Company d/b/a Polk Street Pub et al.*, CCHR No. 09-E-23 (Apr. 18, 2012).

Complainant pursued two bases of discrimination: Respondents' failure to reasonably accommodate Complainant's religion by not allowing her to wear a hijab at work, and Respondents' discriminatory termination of Complainant's employment due to her religious observance of wearing her hijab. The Commission found that Complainant had met her burden of proof on the first basis, but did not find that Complainant's discharge was motivated by religious *animus*.

In order to determine what, if any, reduction in fees is proper due to Complainant's failure to prevail on her claim of discriminatory discharge, the Commission looks to several factors. As the Commission stated in *Huezo v. St. James Properties*, CCHR No. 90-E-44 (Oct. 9, 1991), a complainant:

. . . is entitled to attorneys' fees for both the claims on which she prevailed, and those that share a common core of fact. The interrelated nature of the lawsuit means that even if some time may have been spent on an unsuccessful claim, the claimant may recover fees if development of that legal theory was necessary to the claims on which she did prevail.

See also, *Gilbert and Gray v. 7355 South Shore Condominium et al.*, *supra*.

In *Tarpein*, *supra*, the Commission cited two cases with fact patterns similar to the case at hand. In *Diaz v. Prairie Builders et al.*, CCHR No. 91-E-201 (Jan. 27, 1993), the complainant prevailed on her claim that she was not promoted because she would not have sex with her employer, but did not prevail on her claims of discriminatory and retaliatory discharge, discriminatory terms and conditions of employment, and retaliatory reduction in hours. The Commission in *Diaz* noted that “even if some time may have been spent on an unsuccessful claim, the complainant may recover fees if development of that legal theory was necessary to the claim on which she did prevail.” The Commission, noting the only successful claim, claim of failure to promote allegation, was a discrete claim and only involved 7 pages of an 84 page transcript, reduced the fees by 50 percent. In *Huezo*, the Commission explained a complainant “is entitled to attorneys’ fees for both the claims on which she prevailed, and those that share a common core of fact.” Finding that the claims in *Huezo* were extremely interrelated, the Commission reduced the *Huezo* complainant’s requested amount by only 5 percent.

Following this direction, the Commission in *Tarpein* found that “most of the time expended by Complainant’s counsel in pursuing the discharge claims would still have been expended had the Complainant been arguing only that she had been forced to take an earlier maternity leave,” and agreed with the hearing officer’s decision to reduce the fees by 10 percent.

In the present case, proof of the Respondents’ discriminatory *animus* was essential to both the failure to accommodate and the discriminatory discharge claim. A review of Complainant’s fee petition does not offer any information about the amount of time spent by Complainant’s attorneys discussing each claim with her or reviewing any one legal issue; no fees are explicitly sought for legal research into either claim. Complainant’s attorneys elicited her own testimony, and the testimony and cross examination of Respondents’ witnesses was also support for her claims. Only three documents were introduced. A review of the transcript, such as was included in the *Diaz* ruling, will lend some support for what, if any, deduction is reasonable.

Of the 162 pages of testimony in the hearing transcript, about 15 percent was devoted to eliciting testimony by the parties about Complainant’s discharge. About one-third of the testimony about the discharge was elicited by Respondents’ counsel. Thus, about 10 percent of the testimony elicited by Complainant’s counsel was devoted to the discharge claim solely. The hearing officer recommended that Complainant’s request for fees be reduced by 10 percent to reflect the amount of time spent at the hearing on the unsuccessful discharge claim absent other methods of determining the reduction. The Commission finds the recommendation appropriate to the circumstances of this case and adopts it.

V. DETERMINATION OF REASONABLE FEES

Complainant’s attorneys submitted a timesheet detailing the number of attorney hours expended in their prosecution of this case. The timesheet meets the criteria of CCHR Reg. 240.630 (a)(1), in that the timesheet details the date, the number of hours, the rate, the total fees, the attorney expending the time and a description of the services. Each attorney for which reimbursement of fees is sought will be discussed below.

Kevin Vodak was the lead attorney on the case. Complainant seeks compensation for 64 hours at \$300 for a total of \$19,200 for Mr. Vodak's services. These hours were as follows:

Date	Description	Hours
8/1/13	Meeting with AL re: Statute of Limitations issues	0.2
5/29/14	Meeting with RK re: status of the case	0.2
6/2/14	Drafted FOIA request for EEOC file; issued to Officer Bustos via e-mail	0.3
6/30/14	Reviewed copy of EEOC investigation file received pursuant to FOIA request	0.8
8/18/14	(A) Meeting with client and RK re: update on case	0.5
8/18/14	(B) Drafted letter to client re: issues in case	1.0
8/18/14	(C) Reviewed order finding substantial evidence from CCHR, and order setting pre-hearing conference for 9/24/14 at 9:30 a.m. with a deadline of 9/16/14 to issue document requests. Reviewed materials. Drafted and sent e-mail to client re: update on the case.	0.5
8/19/14	(A) Drafted additional attorney appearance	0.3
8/19/14	(B) Drafted File Access Request form to access CCHR investigative file	0.3
8/20/14	Reviewed materials in CCHR investigative file	0.3
9/12/14	Drafted requests for documents to be issued to Respondents; drafted and sent e-mail to client	3.0
9/15/14	(A) Conf with client re: update on case	0.2
9/15/14	(B) Drafted notice of filing; prepared document requests for filing/service.	0.5
9/17/14	(A) Meeting with client re: issuing settlement demand	1.0
9/17/14	(B) Researched CCHR decisions re: awards for emotional distress. Began drafting settlement demand letter.	1.0
9/18/14	Finalized settlement demand letter, conf. with RK	2.0
9/24/14	(A) Travel to CCHR for pre-hearing conference	0.3
9/24/14	(B) Conducted pre-hearing conference; conf with O/C re: settlement	0.3
9/24/14	(C) Travel back to office	0.2
9/24/14	(D) Drafted & sent e-mail to client re: update on case	0.2
9/30/14	Review CCHR rules re: pre-hearing memorandum. L/m with O/C to call back re: status of the case	0.2
10/1/14	Drafted & sent e-mail to O/C documenting our 9/24 conversation to discuss pre-hearing matters this week, asking for his availability today and tomorrow	0.2
10/2/14	Conf with RK re: potential witness	0.1
10/3/14	(A) Reviewed CCHR rules re: preparing Pre-hearing memorandum. Reviewed file re: documents to be used as exhibits. Drafted and sent client e-mail updating her re: status of the case	0.3
10/3/14	(B) Researched issue of using CCHR investigator's summary and handwritten notes for purposes of impeachment and assessing attorney's fees at time of pre-hearing memorandum	0.4
10/6/14	(A) Drafted & sent e-mail to O/C requesting that he provide Respondents' responses to document requests and corresponding documents to me via e-mail or FedEx delivery, so that we receive them by tomorrow morning (ensuring we are able to fully comply with pre-hearing memorandum requirements) Conf. w/client.	0.3
10/6/14	Hearing exhibits	1.3
10/7/14	(A) reviewed e-mail from O/C stating that Respondents have not been able to finalize document responses, and he will be working with Dr. Sharma to	0.2

	complete these today. He will file motion for extension of 48 hours to deliver responses, and motion to extend filing of pre-hearing memoranda by the end of the week. He states that he will be available by cell if I wish to discuss. Drafted & sent response asking that he e-mail us copies of the motions he files today.	
10/7/14	(B) Finalized pre-hearing memorandum	0.3
10/7/14	(C) Drafted & sent e-mail to client re: update on case	0.2
10/8/14	(A) Phone conf w/client re: scheduling preparation meeting	0.2
10/8/14	(B) Reviewed e-mail from hearing officer stating that Respondents' motion will be granted, affording them until 10/13/14 to file pre-hearing memorandum.	0.2
10/8/14	(C) Drafted & sent e-mail to client re: update on the case	0.2
10/14/14	(A) L/m with O/C to call back; drafted & sent e-mail to O/C inquiring into status of documents and pre-hearing memo. L/m with client to call back re: scheduling preparation meeting	0.3
10/14/14	(B) Conf with client re: scheduling preparation meeting	0.2
10/16/14	(A) Reviewed e-mail from O/C stating that we should have received Respondents' materials, and he will get these to me via e-mail today. Drafted and sent e-mail to client confirming 10/18 meeting	0.2
10/16/14	Contacted O/C – his secretary stated he would call me back in 20 minutes. Received e-mail from O/C w/pre-hearing memorandum, responses to document requests, and documents, which appear to have been filed on 10/15/14. Conf. with O/C re: discovery responses. Review Respondents' discovery responses and documents produced. Drafted and sent e-mail to client.	0.5
10/17/14	Drafted amended pre-hearing memorandum; prepared materials for filing. Drafted & sent e-mail to hearing officer and O/C with courtesy copies of filed documents.	0.8
10/18/14	(A) Began drafting direct examination questions for client; conf. with RK re: testimony to elicit	1.0
10/18/14	(B) Meeting with client in preparation for hearing. Drafted and sent e-mail to client.	1.8
10/20/14	(A) Continued drafting direct examination for client; drafted and sent e-mail to client	4.8
10/20/14	(B) Conf with O/C re: hearing issues and rejection of settlement offer	0.2
10/20/14	(C) Drafting examinations of remaining witnesses; drafted opening and closing statements	4.0
10/21/14	(A) Reviewed materials in preparation for CCHR hearing	0.5
10/21/14	(B) Travel to CCHR hearing	0.5
10/21/14	(C) Meeting with client & RK in preparation for hearing	0.3
10/21/14	(D) Conducted CCHR hearing; conference with RK re: testimony	4.5
10/21/14	(E) Meeting with client & RK	0.3
10/21/14	(F) Travel back to office	0.5
10/31/14	Reviewed order from hearing officer reflecting same instructions given at conclusion of 10/21/14 hearing; additional order will be entered re: post-hearing briefing schedule once transcript has been completed	0.2
12/12/14	(A) Contacted CCHR. Attempted to determine if there was an order after 10/30/14 and whether briefing schedule was set. Intake person (Kristen Lee) did not see another order issued after this date, but she asked that I leave a VM with Compliance Officer Karen Wallace, who could address questions	0.5

	re: case, as she is not in the office until Tuesday. L/m with Officer Wallace re: have not received briefing schedule order.	
12/12/14	(B) Drafted & sent e-mail to client re: update on case	0.3
12/15/14	Received e-mail from O/C inquiring whether I received post-hearing briefing schedule; drafted and sent response advising him of info obtained on Friday.	0.2
12/16/14	Received call from CCHR Officer Wallace. She confirmed that no post-hearing briefing schedule had been entered yet. She stated that hearing officer Yannias has been ill over the last couple of weeks, which has delayed issuance of such an order. Drafted and sent e-mail to O/C re: same.	0.2
1/13/15	L/m with CCHR Compliance Officer Wallace re: obtaining scheduling order on post-hearing briefs. Officer Wallace returned call – the hearing officer recently received transcript and will be issuing scheduling order with 28 day deadline	0.2
1/16/15	Reviewed order setting deadline for post-hearing briefs to 2/11/15. Drafted and sent e-mail to O/C re: same.	0.2
1/30/15	Reviewed hearing transcript re: relevant facts.	4.0
2/2/15	(A) Researched cases re: standards of proof and evidence in support of discrimination claims; researched cases at Cook County Law Library	3.0
2/2/15	(B) Began drafting post-hearing brief – statement of facts	3.0
2/3/15	Drafted post-hearing brief – statement of facts, standard of review	2.5
2/4/15	Drafted post-hearing brief – outline of arguments; argument re: denied religious accommodation; standard for proving discrimination	5.5
2/6/15	Drafted post-hearing brief – arguments re: pretext & evidence of religious discrimination; damages sections. Edited brief; sent to RK for input.	4.5
2/19/15	Drafted and sent e-mail to O/C requesting that he e-mail me a file-stamped copy of Respondents’ post-hearing brief, as we have not received a copy.	0.2
2/27/15	[missing] extension. Received VM in response – Respondents failed to file post-hearing brief. Drafted and sent e-mail to client re: update on case.	0.3
3/20/15	Conf. with client	0.2
4/9/15	(A) Reviewed recommended Ruling on Liability & Relief dated 4/6/15	0.5
4/9/15	(B) Drafted and sent e-mail to client re: update on case	0.2
4/17/15	Conf. with client re: status of case	0.2

Total hours: 64.00 hours at \$300 per hour (\$19,200)

The hearing officer found that the individual entries evidence reasonable time spent for an attorney in meeting with clients, keeping clients up to date, working with colleagues, preparing for the pre-hearing and hearing, and completing appropriate follow up with the exception of the following items:

1. The 1.3 hours entered for October 6, 2014, is listed in its entirety as “hearing exhibits” which does not provide the level of detail needed to be found reasonable. Complainant offered only three simple and short exhibits at the hearing. The hearing officer assumed that Complainant’s counsel had more than three exhibits to review, but 1.3 hours is excessive. The hearing officer recommended reducing this amount to .5 hours.

2. Mr. Vodak spent 5.8 hours drafting questions for Complainant’s testimony on October 18, 2014, and October 20, 2014. The hearing officer determined that this is excessive given the nature of the case and the testimony elicited; therefore, the entry was reduced to 4.0 hours.

The hearing officer recommended a total reduction in Mr. Vodak's time of 2.6 hours, for a new total of 61.4 hours at the rate of \$300 per hour for a total of \$18,420.

Rabya Khan was a staff attorney at Chicago-CAIR. The Commission has recognized that it may be appropriate for two attorneys to work on a case so long as their activities are not excessively duplicative. See *Sleper v. Maduff & Maduff, LLC*, CCHR No. 06-E-90 (Mar. 22, 2013); *Pierce and Parker v. New Jerusalem Christian Development Corp., supra*; *Rankin v. 6954 N. Sheridan, Inc., et al.*, CCHR No. 08-H-49 (June 8, 2011). Citing *Sellers v. Outland*, 02-H-037 (Apr. 24, 2009), the Commission in *Rankin* noted:

The appropriate question, therefore, is whether the time spent on a particular task was reasonable. Where two lawyers are performing separate tasks they deserve to be compensated. Where the time records reveal they are collaborating together on what would customarily be considered in the legal community to be a two-person task, then both attorneys' time is reasonable. However, where documentation of the tasks performed by each attorney is scant or where reasonable billing practices would dictate that only one attorney should be billed for the task, the second attorney's time will be disallowed.

Complainant seeks compensation for 22.4 hours at \$250 for a total of \$5,600 for Ms. Khan's services. The hours for which compensation is sought are as follows:

3/26/13	Meeting with AK re: complaint intake	0.2
3/27/13	(A) Reviewed file re: potential course of action	0.3
3/27/13	(B) Conf w/complainant re: status of her employment	0.3
3/28/13	Meeting with complainant and AK re: next steps on case (portion of meeting)	0.2
4/25/13	Drafted & sent e-mail to client re: full contact information; conf w/client re same	0.3
7/11/13	(A) Edited AI's draft of letter to client re: facts for CCHR complaint	0.3
7/11/13	(B) Meeting with AI re: next steps in case	0.2
9/5/13	Conf. with client re: scheduling meeting	0.2
9/9/13	Meeting with client re: facts for CCHR complaint	1.0
9/18/13	Drafted & sent e-mail to client re: scheduling meeting	0.2
9/19/13	Reviewed CCHR rules re: complaint requirements, conf with client re: reviewing complaint; conf with CCHR representative re: method of filing complaint	0.5
9/20/13	(A) Conf with client re: review of draft complaint	0.2
9/20/13	(B) Finalized draft of CCHR complaint; drafted and sent e-mail to client re: reviewing complaint	0.8
9/20/13	(C) Reviewed CCHR filing and service requirements for complaint	0.3
9/25/13	Review CCHR acknowledgement of complaint filing and accompanying documents	0.5
9/26/13	(A) Conf with client re: status of case	0.2
9/26/13	(B) Drafted letter to client re: status of case and copy of CCHR complaint	0.3
1/10/14	Conf. with client re: status of case	0.2
1/29/14	(A) Conf with client re: status of case	0.2
1/29/14	(B) Reviewed e-mail from client re: additional info. in support of complaint	0.2
1/30/14	Conf with CCHR investigator re: Respondent's position in response to complaint and status of investigation	0.3
1/31/14	Drafted and sent e-mail to client re: status of case	0.2

2/4/14	Meeting w/client re: info for response to request for evidence and status of case	1.0
2/13/14	Conf with client re: info for response to request for evidence	0.2
2/19/14	Conf with client re: info. for response to request for evidence	0.5
2/28/14	Conf with CCHR investigator re: providing response to request for evidence; drafted & sent e-mail to investigator with response	0.5
3/7/14	Conf with CCHR investigator re: status of investigation; conf with client re: same	0.3
5/29/14	Drafted & sent e-mail to client re: status of case	0.3
6/3/14	Reviewed CCHR investigative order seeking client's interview by 6/12/14; drafted and sent e-mail to client re: same	0.3
6/5/14	Conf with client scheduling CCHR interview; conf with CCHR investigator re: scheduling interview	0.3
6/12/14	(A) Meeting with client re: preparation for CCHR investigative interview	0.5
6/12/14	(B) Meeting with CCHR investigator and client	0.8
6/12/14	(C) Meeting with client re: CCHR interview	0.3
8/13/14	Drafted and sent e-mail to client re: scheduling meeting; reviewed response from client; drafted and sent response	0.2
8/18/14	Meeting with client and KV re: update on case	0.5
9/18/14	Reviewed KV's draft demand letter; conf with KV	0.3
9/24/14	(A) Travel to CCHR for pre-hearing conference	0.3
9/24/14	(B) Attended pre-hearing conference with KV	0.5
9/24/14	(C) Travel back to office	0.3
9/24/14	(D) Conf with client re: update on case	0.2
10/1/14	Drafted and sent e-mail to client	0.2
10/2/14	(A) Conf with client re: potential witness; conf with KV re: issue	0.2
10/2/14	(B) Left v/m for potential witness to call back. Left v/m for client with update. E-mailed KV update	0.2
10/21/14	(A) Travel to CCHR for Hearing	0.5
10/21/14	(B) Meeting with client & KV in preparation for hearing	0.3
10/21/14	(C) Attended CCHR Hearing; conf with KV re: testimony	4.5
10/21/14	(D) Meeting with client and KV	0.3
10/21/14	(E) Travel back to office	0.5
10/23/14	Drafted and sent e-mail to client re: status of the case	0.3
2/11/15	Reviewed KV's draft of post-hearing brief	0.5

Total: 22.4 hours

The hours sought for Ms. Khan are in general not duplicative of Mr. Vodak's hours. Ms. Khan seeks hours for the representation of the client and the development of the case during the investigative stage with the Commission; in contrast, Mr. Vodak seeks hours for the preparation for the hearing. Both seek hours for the pre-hearing and hearing, which is often the case in the legal community where two individuals have worked on a case. See *Hamilton and Hamilton v. Café Descartes, supra*. The hours sought for Ms. Khan are documented, reasonable and modest. As such, the hearing officer recommended that Ms. Khan's request for 22.4 hours at the rate of \$250 per hour, or \$5,600 be approved.

In addition to the fees for the attorneys in this case, Complainant seeks 11.5 hours at \$15 an hour (\$172.50) for law student clerks, Aziza Khatoon and Anzur Ismail. These law student clerks met with Complainant at the initial intake, met with attorneys regarding meetings with the Complainant, drafted memoranda, drafted e-mails to the client, and completed other tasks as assigned by the attorneys. The hearing officer found that this modest request is reasonable.

Respondents did not submit objections to these findings and recommendations of the hearing officer. The Commission finds the hearing officer's determinations reasonable and the resulting fee award appropriate to this case.

VI. COSTS

Complainant seeks compensation for \$643.20 in costs for obtaining a copy of the transcript of the hearing. Attached to the Complainant's petition is a receipt for that expense. Hearing transcripts have been found to be compensable expenses by the Commission. *Jones v. Lagniappe – A Creole Cajun Joynt, LLC, et al.*, CCHR No. 10-E-40 (May 15, 2013). The hearing officer's recommendation is adopted and \$643.20 is awarded in costs. Because Respondents have not objected to any of these costs and the hearing officer has recommended payment, the Commission finds that Complainant's request to be compensated for \$643.20 in costs is reasonable.

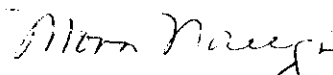
VII. CONCLUSION

The Commission on Human Relations approves the base amounts of attorney fees and associated costs as listed below. The 10% reduction of the approved base fees in light of the unsuccessful discharge claim is also calculated below:

Attorney Kevin Vodak	\$18,420.00
Attorney Rabya Khan	\$5,600.00
Law Students	\$172.50
Total Base Fees	\$24,192.50
Less 10% for unsuccessful claim	-\$2,419.25
Fees Awarded	\$21,773.25
Costs Awarded	\$643.20
TOTAL AWARDED	\$22,416.45

Accordingly, Respondents are ordered to pay Complainant's reasonable attorney fees of \$21,773.25 and associated costs of \$643.20, for a total of \$22,416.45.

CHICAGO COMMISSION ON HUMAN RELATIONS


By: Mona Noriega, Chair and Commissioner
Entered: April 14, 2016