



CITY OF CHICAGO  
COMMISSION ON HUMAN RELATIONS  
510 PESHTIGO COURT, 6TH FLOOR  
CHICAGO, ILLINOIS 60611

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| IN THE MATTER OF: | ) |              |
|                   | ) |              |
| CHARLENE REED,    | ) |              |
| Complainant,      | ) | No. 92-H-139 |
|                   | ) |              |
| v.                | ) |              |
|                   | ) |              |
| STEVEN STRANGE,   | ) |              |
| Respondent.       | ) |              |

**FINAL RULING REGARDING STATE COURT ATTORNEY'S FEES**

**I. INTRODUCTION**

Complainant, Charlene Reed, prevailed in her sexual harassment claim before this Commission, Reed v. Strange, CCHR No. 92-H-139 (October 19, 1994), and was subsequently awarded attorney's fees and costs for all work completed before the Commission, Reed v. Strange, CCHR No. 92-H-129 (March 15, 1995). Respondent sought judicial review of the Commission's final orders in state court by filing a petition for *writ of certiorari* in the Chancery Division of the Circuit Court of Cook County, which was denied. Strange v. City of Chicago Comm'n on Human Relations, No. 94 CH 10360 (Cook Cty. Cir. Ct. Order, dated April 3, 1996). Respondent appealed the circuit court order denying his petition for *writ of certiorari* and affirming the Commission's orders to the First District Appellate Court. After consideration of appellate briefs submitted by both parties, the First District Appellate Court affirmed the Commission's final orders. Strange v. City of Chicago Comm'n on Human Relations, No. 1-96-1668 (Ill. App. Ct. Feb. 4, 1998). The Appellate Court also awarded Complainant her attorney's

fees for prevailing in state court and sent the case back to the Commission to determine the appropriate amount of those fees, pursuant to Chicago Municipal Code, §2-120-510(l). Those attorney's fees are the subject of this order.

Upon the Appellate Court remand, on February 9, 1998, the Commission issued an order setting forth its procedures to determine the attorney's fees earned by Complainant in state court. Pursuant to that order, Complainant filed her petition for attorney's fees on March 23, 1998. Respondent did not object or otherwise respond to it.

On May 7, 1998, the Hearing Officer served her First Recommended Decision Regarding Attorney's Fees on the parties. Respondent, by counsel, requested an extension of time in which to file his objection, and that request was granted. On June 26, 1998, Respondent filed his Objection to the Petition for Attorney's Fees. Pursuant to Section 240.610(b) of the Rules and Regulations governing the Chicago Human Rights Ordinance, simultaneous objections were permitted, and Complainant then had twenty-one days from the filing of the objection to respond to Respondent's objections. More than twenty-one days ran after Respondent filed his objections, and Complainant made no objection or response to them. The Hearing Officer issued her Final Recommended Decision on July 23, 1998.

## **II. RESPONDENT'S OBJECTIONS**

Respondent has raised two objections to the First Recommended Decision Regarding Attorney's Fees. First, he argues that certain routine tasks, such as filing documents, should have been performed by clerical personnel rather than being billed at the attorney's full hourly rate of \$225 per hour. He cites an August 15, 1995, charge of \$112.50 for filing an appearance; a September 15, 1995, charge of \$112.50 for filing an answer to the *writ of certiorari*; a February

11, 1997, charge of \$112.50 for filing a motion with the Appellate Court; and a May 9, 1997, charge of \$112.40 for filing appellee's brief. Respondent's objections on this point are well taken, and the Commission agrees to reduce the fee award to account for these charges. Therefore, \$25 will be allowed for each, which represents the estimated standard charge for comparable services by a messenger firm or similar service.

Second, Respondent objects to attorney Zeva Schub's hourly rate of \$225, and suggests that, instead, a charge of \$150 would be more appropriate. Respondent specifically objects to paying standard legal fees to attorneys who work with legal services organizations as opposed to being in private practice. The Commission disagrees with this argument. Section 240.630(a)(2) of the Commission's Rules and Regulations provides that "in the case of a public law office which does not charge fees or which charges fees at less than market rates" the Commission will look to "the rates prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise." The Commission has consistently approved requests for a fair market rate for the services of public interest attorneys who choose to spend their professional careers working for non-profits, rather than for for-profit law firms. E.g., Barnes v. Page, CCHR No. 92-E-1 at 1-2 (January 21, 1994); see also Ross v. Chicago Park District, CCHR No. 93-PA-31 (March 20, 1996). While many of the activities of public interest lawyers are likely to be uncompensated, this does not lessen the value of the services they perform when acting as legal counsel in hearings before the Commission, nor does it in any way detract from the skills that they bring to these proceedings. As the Commission's Regulations provide, they should be compensated according to the value of the services they perform, rather than with reference to their salaries at the public interest corporation where they work. Given the level of

skill and efficiency that Complainant's attorney, Ms. Schub, demonstrated, the \$225 per hour charge is appropriate, based on rates charged by Chicago attorneys with comparable experience and expertise. (See also Part III below.) Therefore, this objection is overruled.

### **III. THE FEE PETITION**

Complainant seeks \$4,005 in attorney's fees incurred during state appellate proceedings. Except for the objections noted above, Respondent Steven Strange has not filed any opposition to Complainant's fee petition or to the Hearing Officer's First Recommended Decision Regarding Attorney's Fees.

Section 2-120-510(l) of the Chicago Commission on Human Relations Ordinance provides that a respondent may be ordered "to pay the [prevailing] complainant all or a portion of the costs, including reasonable attorney fees . . . incurred in pursuing the complaint before the Commission or at any stage of judicial review." (Emphasis supplied). In order for the Commission to award attorney's fees for work performed in state court, the Complainant must provide supporting documentation for attorney's fees, including "[t]he number of hours for which compensation is sought, itemized according to the work that was performed and the individual who performed the work." Reg. 240.640(a)(1), Rules and Regulations Governing the Chicago Human Rights Ordinance (1996). Complainant complied with this requirement by submitting a sufficiently detailed statement of services performed by her attorney, Zeva Schub, in the Chancery and Appellate courts, including the dates on which services were performed, the number of hours spent, and the description of each legal task performed. See Exhibit A to Petition for Attorney's Fees. The notice of filing and certificate of service accompanying Complainant's petition for attorney's fees satisfies the Commission's proof of service requirements. See Reg. 240.640(b).

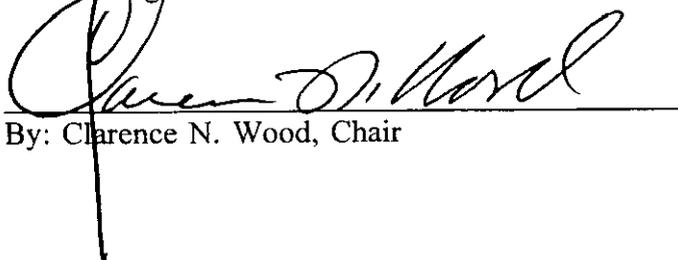
To determine the amount of "reasonable attorney's fees" to award a prevailing complainant, the Commission multiplies the number of attorney hours reasonably expended by the attorney's reasonable hourly rate. The Commission examines the amount of time reasonably spent on the case, taking into consideration its own specific facts. E.g., Huezo v. St. James Properties/Janco Realities, CCHR No. 90-E-44 at 7 (October 9, 1991). Here, the 15.8 hours<sup>1</sup> expended by Ms. Schub during judicial review of the Commission's orders in the state courts were not only reasonable and necessary to attain the successful result on appeal, but also very efficient.

Finally, this Commission has previously determined that Ms. Schub's reasonable attorney rate is \$225 per hour, given her expertise litigating discrimination cases over the past twenty years. Friday v. Dykes, CCHR No. 92-FHO-23-5773 (July 21, 1993). In addition, Complainant has also submitted affidavits of two experienced attorneys practicing in the same area of law who support Ms. Schub's hourly rate. See Exhibits B & C to Petition for Attorney's Fees.

#### IV. CONCLUSION

Ms. Schub is entitled to reasonable attorney's fees of \$3,655, which is the product of her rate of \$225 per hour and 15.8 hours, plus \$100 for the equivalent of clerical services on the dates discussed in Section II above. Accordingly, the Commission orders Respondent to pay Complainant a total of \$3,655 in attorney's fees.

For: Chicago Commission on Human Relations



By: Clarence N. Wood, Chair

Date: August 19, 1998

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<sup>1</sup>This number, 15.8 hours, takes into account the reduction of two hours of attorney time discussed in Section I above.