

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
KELLIE E. PORTER,	)	
<b>Complainant,</b>	)	
	)	
<b>and</b>	)	<b>)Charge No: 2001 CP 0652</b>
	)	<b>)EEOC No: N/A</b>
	)	<b>)ALS No: 11593</b>
TREASURE ISLAND FOODS, INC.,	)	
<b>Respondent.</b>	)	

**RECOMMENDED ORDER AND DECISION**

This matter is before me on the petition of Complainant for the award of attorney’s fees and costs. The petition was timely filed pursuant to the Recommended Liability Determination (RLD) issued on February 7, 2003, incorporated by reference herein. Pursuant to the RLD, Complainant has filed a written petition along with an affidavit and itemization of time and expenditures. Respondent has not filed a response to the petition.

**CONTENTIONS OF THE PARTIES**

Complainant requests an hourly rate of \$300.00 for 43.6 hours of services for a total of \$13,080.00 in attorney fees, and \$11.91 in costs. Respondent filed no response to the petition.

**FINDINGS OF FACT**

1. The RLD ordered Complainant to file a fee petition in accordance with the standards as set forth in **Clark and Champaign National Bank**, 4 Ill. HRC Rep. 193 (1982).
2. Complainant filed a fee petition on March 3, 2003 and a Certificate of Service certifying the petition was mailed to Respondent of record on March 1, 2003.
3. In accordance with Commission Rules at 5300.30, service by mail shall be deemed complete four days after mailing of the document, properly addressed and posted for delivery to the Person to be served.
4. Therefore, Respondent had 21 days (not including Saturday, March 22, 2003 and Sunday March 23, 2003, in accordance with Commission Rules on time computation at section 5300.20) from March 1, 2003, or until March 24, 2003 to file any objections to the fee petition.
5. As of April 17, 2003, the record indicates no objection has been filed nor has any request for extension.
6. Roma Stewart (Stewart) represented Complainant in this litigation.
7. Stewart received her J.D. degree from Georgetown University in 1972. Stewart has held a variety of legal positions, including an appointment as Director of the Office

for Civil Rights at the United States Department of Health, Education and Welfare in 1979, and Solicitor General of Illinois.

8. Stewart has litigated extensively in the area of employment discrimination and has practiced employment discrimination as her major area of practice since 1975.
9. Stewart has taught courses on employment discrimination at Antioch Law School and Howard University School of Law and has cooperated with several law schools in supervising law students taking equal employment clinical courses.
10. Stewart is a cooperating attorney of the NAACP Legal Defense Fund and the Leadership Council for Metropolitan Open Communities.
11. Stewart is a former member and chairman of the board of directors of the Illinois Institute for Continuing Legal Education.
12. Stewart has participated as a speaker in numerous seminars on civil rights litigation, including the Institute of Continuing Legal Education in Madison, Wisconsin; National Bar Association EEO Project seminars in Boston, Dallas, Baltimore, Memphis and Chicago; Vanderbilt University Law School EEO Conference; Howard University Law School EEO Conference; EEOC Litigation Seminar, Cleveland, Ohio; District of Columbia Bar Workshops on EEO; Defense Mapping Agency Seminar on Supervisor's Responsibility in EEO; International Women's Year Seminar at the Federal Energy Administration; Federally Employed Women's Annual Convention; Cook County Bar Association; and many others.
13. Stewart has revised a manual of Title VII practice, which has been distributed by the District of Columbia Bar, entitled "Equal Employment Representation in the Federal Government, An Advocate's Guide, 1974."
14. Stewart has provided representation in hundreds of civil rights cases at administrative hearings at the state and local levels and at federal district courts and courts of appeals and has counseled more than 2,500 persons with complaints of civil rights violations.
15. Stewart bills her clients from \$0.00 to \$300.00 /hour.
16. Stewart's clients are primarily civil rights plaintiffs who cannot afford to pay all of the fees at her usual billing rate.
17. Stewart's current billing rate is \$300.00/hour.
18. Stewart billed Complainant \$300 hour for 49.30 hours of work performed.
19. Stewart is requesting compensation for 43.6 hours of the 49.30 hours spent in litigating this matter.
20. In *Williams v. Seracu*, 95 C 0453, a housing discrimination U.S District Court case, Stewart was awarded \$250/hour in attorney's fees.
21. In *Dewberry and Kraft Foods, In.*, ALS No. 10135, \_\_ IL HRC Rep. \_\_ (1994 CF 0153, August 29, 2001), this Commission awarded Stewart attorney's fees of \$250.00/hour in an employment discrimination case.
22. Stewart's level of skill and expertise is adequately supported.
23. \$300.00/hour is a reasonable hourly rate considering Stewart's experience and skills.
24. Stewart's time expenditures are adequately supported, reasonable and necessary for this litigation.
25. Complainant incurred \$11.91 in copying costs for this matter.
26. The amount of \$11.91 for costs is adequately supported and reasonable.

## CONCLUSIONS OF LAW

1. A prevailing Complainant is entitled to reasonable attorney's fees and necessary costs incurred to litigate this matter.
2. The Party seeking attorney's fees is required to provide evidence regarding the number of hours expended and the hourly rates and Complainant has sufficiently done so.
3. The skill and experience of Complainant's attorney justifies compensation at an hourly rate of \$300.00.
4. The hours spent for the litigation of this matter were reasonable and necessary.
5. Copying costs of \$11.91 were adequately supported, reasonable and necessary for this litigation.

## DETERMINATION

Complainant is entitled to an award of \$13,080.00 in attorney's fees for the services of Stewart and \$11.91 for costs.

## DISCUSSION

After a finding of liability against the Respondent, the Complainant is entitled to reasonable attorney's fees and costs incurred in litigating the matter. 775 ILCS 5/8A-104(G). The purpose of the fee award is to provide an effective means of access to the judicial process to victims of civil rights violations who might not otherwise have the means to retain counsel. **Clark and Champaign National Bank**, 4 Ill. HRC Rep. 193 (1982). In **Clark**, the Commission set forth guidelines to be considered in awarding attorney's fees. Although the provision of the Act awarding attorney's fees should be accorded liberal construction, the purpose of such awards is not to provide a windfall for prevailing attorneys. **York and Al-Par Liquors**, \_\_ Ill. HRC Rep. \_\_ (1986CF0627, June 29, 1995). The burden of proof for requesting attorney's fees rests with the Complainant.

### Appropriate Hourly Rate

When considering a fee petition, it is first necessary to establish a reasonable hourly rate. An appropriate hourly rate is generally dependent upon the actual hourly rate the attorney charges, the experience of the attorney and previous awards of attorney's fees to counsel. **Clark and Champaign National Bank**, *supra*.

Complainant requests an hourly rate of \$300.00. The record supports and it is undisputed that Stewart's vast experience and expertise in the area of civil rights could easily command an hourly rate of \$300.00. Considering Stewart's vast experience and in light of the absence of any objection, I find the requested hourly rate reasonable and adequately supported.

Appropriate Number of Hours Expended

Once the hourly rate is decided upon, the next step is to determine whether the hours claimed are justified. Although Stewart expended 49.30 hours of time in this matter, she is requesting to be compensated for only 43.6 hours. Complainant files an affidavit and billing itemization as to the time spent and hours billed for services performed. The billing statement is sufficiently detailed for examination. I have examined the billing statement and find the hours expended and requested are reasonable and adequately supported.

Costs

Complainant requests \$11.91 for copying costs. I find this amount reasonable and adequately supported.

**RECOMMENDATION**

Based on the foregoing, I recommend that:

- A. Respondent be ordered to pay Complainant \$13,080.00 for reasonable attorney's fees for the services of Stewart;
- B. Respondent be ordered to pay Complainant \$11.91 for reasonable costs;
- C. Complainant receive all other relief recommended in the RLD.

**HUMAN RIGHTS COMMISSION**

By: \_\_\_\_\_  
**SABRINA M. PATCH**  
**Administrative Law Judge**  
**Administrative Law Section**

**ENTERED: April 21, 2003**