



Memorandum

Date: April 16, 1998
To: [Seminar Students]
From: John-Mark Stensvaag
Re: *Next Steps in Seminar: Attorneys Fees*

For submission of the attorney fee requests, please follow these ground rules:

- I. Plaintiffs
 - A. Only the Plaintiffs Need Submit Full and Formal “Packages” Requesting Attorney Fees
 - B. Assume, Without Knowing the Details, that the Plaintiff “Substantially Prevailed” in the Lawsuit
 - C. Items to Be Submitted
 1. Motion and Notice of Motion Requesting Attorney Fees
 2. Affidavit in Support of Motion, Setting Forth in as Great Detail as Possible:
 - a) Which Attorney Did the Work
 - b) What the Tasks Were
 - c) How Many Hours Were Expended on Each Task
 - (1) In Specifying Tasks, Use the Categories Set Forth in the January 16, 1998, Memorandum: “Rules for Submitting Documents and for Keeping Track of Billable Hours”
 - d) How Much Payment You Seek for Each Attorney/Task Combination
 - e) Total Fee
 3. Short Memorandum of Points and Authorities in Support of Motion
 - a) Include a Relatively Brief Discussion of the Statutory and Caselaw Authority Showing Your Right to Attorney Fees
 4. Normal Cover Letters and Certificate of Service
 - D. “Serve” the Package on Your Opponents by the usual deadlines and provide copies to the remaining class members
- II. Defendant Fee Information
 - A. Please Submit a Single Affidavit on Behalf of Each Defendant, Fulfilling the Requirements of Item I.C.2 and Bearing the Proper Case Caption
 1. We Will Pretend that this Affidavit is in a Full “Package” as Described Above for the Plaintiffs, but Will Deal Only with the Affidavit

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III. Class Activities

- A. Each Defense Team Must Orally Present to the Court its Response to the Plaintiff's Request for Attorney Fees
 - 1. This Response May Include Challenges to Various Aspects of the Fee Request, But May Not Challenge the Fact that the Plaintiff has "Substantially Prevailed" in the Litigation
- B. Each Plaintiff Team Must be Prepared to Support its Fee Request, in Reply to the Defendant's Response
- C. We Will Not Engage in Any Formal Challenges to the Defendants' Fee Affidavits, But Will Discuss Those Affidavits as a Group

JMS:me