



## 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

[over]

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