

**SEATTLE GREATER
METROPOLITAN AREA
CONSUMER LAW
ATTORNEY FEE SURVEY
REPORT**

Interim Edition

2019-2020



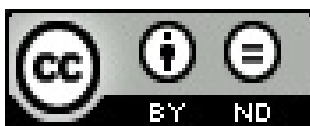
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**Seattle Greater Metropolitan Area
Consumer Law
Attorney Fee Survey Report Interim Edition 2019-2020**

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and
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June 1, 2020

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Acknowledgments

This Washington State Interim report is dedicated to the private and public practice members of the Consumer Law bar and the Judicial officers who decide Consumer Law disputes and cases across the United States and its territories, all of whom tirelessly dedicate their careers to helping people find Justice every day in our legal system. Without their support and participation, the research for this publication would not have been possible.

I am grateful to the members of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys and the many friends and supporters of the National Consumer Law Center, and to the Consumer Law bar who participated in the research that formed the foundation of this Survey Report. They are the men and women who make Justice work every day.

A special thanks is extended to Ira Rheingold, Richard Dubois, Willard Ogburn, Jon Sheldon, Charles Delbaum, Robert Hobbs, Edward Boltz, and many, many others for their constant encouragement of this project, advice and assistance since the survey began in 1999. The support, suggestions and comments from countless others over the years have contributed greatly to the result before you.

Finally, no words could adequately express my thanks to my wife, who guided, supported and encouraged me every day for the decades throughout this work. I could not do what I do, and I would accomplish nothing without her.

Ronald L. Burdge, Esq.
June 1, 2020

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1. Introduction

This Survey Report publishes the results of the data compiled to date for the United States Consumer Law Attorney Fee Survey for 2019-2020. The Survey Report continues to be the only national survey of Consumer Law practitioners in the United States and is the only Consumer Law survey whose methodologies have been independently peer reviewed and supported since 2015 by the National Association of Legal Fee Analysis, a non-profit professional national association of attorney fee experts in the field of legal fee analysis.

The Survey is based on data provided by private practitioners in the Seattle greater metropolitan area and also data culled from all identified Washington state and federal court cases reporting attorney fee decisions in the field of Consumer Law in Lexis and Westlaw and unreported state court decisions during 2019 and 2020 up to the date of publication. The national Consumer Law Survey Reports have been used in more than 40 jurisdictions, including Washington state and other state and federal courts, the U.S. Court of Federal Claims, the U.S. Department of Justice, the U.S. Department of Labor, and the American Arbitration Association to determine reasonable attorney fee rates.

Attorneys in every state and the U.S. Territories took part in the national survey and the currently reported Seattle greater metropolitan area data was then culled apart from the national data, and the results published here. The data to date continues the trend of being the most comprehensive since our continuous research work began in 1999.

The survey participant data is based on a survey employing an online, email, and telephone survey of attorneys representing about 4,500 members of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys and other known attorneys practicing in the field of Consumer Law as identified through Avvo.com, Lawyers.com, and court filings and fee decisions around the country. In this Seattle greater metropolitan area interim survey report there were 31 participating attorney data points in this survey with data reported for 25 paralegals.

Methods to Update Survey Results from 2019-2020 to Current Date

Because the survey was conducted in 2019 and 2020 up to this publication's date, the hourly rates and other data reported represent values in that time frame. A subsequent reader may find some minor adjustment necessary or desirable for application outside of and subsequent to 2019 and 2020. Courts¹ have at times used percentage increases derived from the U.S. Census Consumer Price Index² to adjust rates to updated levels.

Goals of Survey Report

The national primary goals of this research project have been and continue to be applicable to this Seattle greater metropolitan area interim report in a more geographically narrow manner, and are:

- provide timely, relevant and accurate data benchmarks and information to inform and guide practical, management, and planning decisions by Consumer Law attorneys and firms, including private practitioners, non-private practitioners, the judiciary and government workers
- better understand the demographics of Consumer Law attorneys and their practice
- monitor and document general and key trends in the Consumer Law field of the legal profession, based on previous and present survey research and analysis
- understand how attorney compensation (e.g., hourly rate) is impacted by common variable factors (e.g., years in practice, niche area of practice, experience level, geographic location, and more)
- collect thorough and accurate information on the economic realities associated with the career field of Consumer Law to share with the bar and bench
- create a point of reference for future economic surveys of Consumer Law practitioners

¹[493258727163](#) *Barnard v. Berryhill*, 2019 U.S. Dist. LEXIS 38671 (D.C. N.D. E. D. Ohio, Mar. 11, 2019); *United States Postal Serv. Fed. Credit Union v. Edwin*, 2018 U.S. Dist. LEXIS 31532, 2018 WL 1077291 (D. Virgin Islands, St. Croix Div., Feb. 27, 2018).

² See CPI Inflation Calculator, available at https://www.bls.gov/data/inflation_calculator.htm (Last visited Oct. 1, 2019).

Since this survey began in 1999, greater localized data reporting has continued to be preferred by the Bench and Bar. To better serve the continued sharpening of this shift in focus, the Survey Report has evolved over time from its original twelve multi-state regions to individualized and localized data reporting for rural and urban areas. This change continues our effort to provide the reader with a quick and easy analysis of relevant data on an ever increasing and higher level of locality. It is expected that the resulting analyses will be of greater use to the reader, the profession, the Bench, and Bar.

Consumer Law is recognized as a specialized field of law by courts³ as well as universities, law schools and the profession itself. As the field has continued to mature, niche specialty areas developed within the broader field of Consumer Law and have been recognized as such by the Courts. Subtle differences in practices and hourly rates can be found when these niche areas are examined that can provide a better understanding of these niche practices to practitioners and courts. Such data continues to be reported herein.

Specific factors are recognized to commonly have a larger impact on an hourly rate than other, less common factors. These factors can vary the hourly rate by their application and continue to be called Variables in this Survey Report. Thus what might be termed as Years in Practice, in prior editions of this survey and elsewhere, is now termed more accurately as an Experience Variable. The experience level of an advocate is a primary variable in determining a reasonable hourly rate.

The Table of Authorities has been expanded with additional case citations that provides a convenient alphabetical listing of cases and authorities cited in this Survey Report, updated to September 10, 2019. The final edition of the national Survey Report will be updated to include all cases as of its publication date.

Survey Report Sections Explained

After this introductory section, the localized data for the Seattle greater metropolitan area is provided. At the beginning of the Seattle GMA section is an

³ As said by the Ohio 9th District Court of Appeals, “[c]onsumer law is a specialty area that is not common among many legal practitioners.” *Crow v. Fred Martin Motor Co.*, 2003-Ohio-1293 (Summit, App. No. 21128).

explanatory table of the Section's structure and content.

Section 3 provides a brief discussion of cases employing the use of prior editions of this Survey Report along with a listing of citations to cases which have used or cited the Survey Report since its inception, both pro and con. Specific hourly rates in fee award decisions are included in recent cases, where available. Also included is a list of all known cases giving negative treatment of prior editions of the Survey Report with an editor's remark as to each that provides a better understanding of the difference between the prior edition of the Survey Report under consideration in that specific case and noting differences in the more recent and current Survey Report. It should be noted that the methodologies of these Survey Reports has evolved during the last twenty years to address any perceived deficiencies noted by the Bench and Bar and commentators.

Section 4 discusses various cases that have dealt with the actual use of survey data in court proceedings such as fee hearings, with citations.

Section 5 provides biographical information about the Survey Report Editor.

Section 6 provides contact information for the reader's recommendations for future survey data gathering or other suggestion.

The Appendices contain supporting material to enable the reader to better understand the survey and this Survey Report, including the actual survey questions and possible answers for each, a peer review statement, and more.

To easily locate any specific case cited in this Survey Report, consult the Table of Authorities in Appendix 3.

Niche Areas in the Field of Consumer Law Defined

Consumer Law is recognized as a specialized area of law dealing with issues arising from transactions involving one or more persons acting as individuals or as a family. As a field of law, however, Consumer Law can be further reduced to finite and separate niche areas, typically rooted in the protection afforded by different types of consumer rights that are most often based on specific state and federal statutes. These

include, for example, the United States Bankruptcy Code, the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Equal Credit Opportunity Act, the Truth in Lending Act, the Uniform Consumer Sales Practices Act (in the form of its state adaptations that are commonly called Unfair and Deceptive Acts and Practices, i.e., UDAP laws, Landlord-Tenant Statutes, the Mortgage Action and Forbearance Act, Credit Discrimination, the Magnuson Moss Warranty Act, state Lemon and Warranty laws, State and Federal Odometer Tampering laws, laws dealing with telemarketing, “junk” faxes, prepaid entertainment programs, and more. These numerous statutes can be grouped by the type of rights they each seek to preserve and protect for the purpose of this survey, because of the similarities involved in asserting such rights.

While Consumer Law is a field of law, for a closer analysis of the niche areas within Consumer Law, the following categorization has been made for purposes of this Survey Report and the Median Rate for Practice Areas tables:

1. Consumer Bankruptcy
2. Consumer Protection Class Action (based upon one of the other niche areas)
3. Credit Rights (FCRA, FDCPA, ECOA, TILA, Credit Discrimination, Credit Reporting, Debt Defense, etc)
4. Housing Rights (Foreclosure Defense, RESPA, HOLA, Housing Rights, Landlord-Tenant, other real estate rights enforcement laws, etc.)
5. Vehicle Litigation (Autofraud, Lemon Law, Warranty Law, Vehicle-related UDAP claims, Repossession Law, etc.)
6. TCPA (the Telephone Consumer Protection Act)
7. Unfair and Deceptive Acts Statutes (UDAP)
8. Other (All other areas)

Statistical Validity of this Seattle GMA Interim Report

In the forthcoming national Survey Report the participant data and Consumer Law case decisions on attorney fees will be analyzed and compiled for the national edition of this Survey Report.

Meanwhile, that data which exists in the database and which is applicable to the Seattle greater metropolitan area is included in this report. The Seattle-based data in this interim report almost twice as deep as in the 2017-2018 Survey Report for the same

metropolitan area so the data used for this interim report is statistically sufficient to provide valid results.

Generally, a greater metropolitan statistical area contains a core urban area of 50,000 or more population and includes the adjacent counties or municipalities that have a high degree of social and economic integration, as measured by commuting to work, with the urban core. However, a greater metropolitan area in this Survey Report is not defined the same as in the U.S. Census. The key difference is that in the Census definition of a metropolitan statistical area (MSA), the MSA may cross state or other governmental borders. In this Survey Report, data responses were confined to state or territorial political boundaries.

To provide even more detailed data, this survey obtained from each survey participant and case decision the specific niche area(s) of Consumer Law in which the participant or case attorney practiced. Thus, the differences in practicing in one niche area of Consumer Law can be compared with any of the other niche areas.

The responsive data enables an even more narrow and localized analysis to be generated and which provides median-based hourly rate numbers for these niche areas of Consumer Law within the wider field of Consumer Law itself, with a greater focus on geographic locality.

The Average and the Median: What it Means to You

To assure an adequate understanding, interpretation and application of the data in this Survey Report, a brief explanation of common data terminology in this Survey Report may be useful.

The tables in this Survey Report use some terms whose meaning, while understood by statisticians, may not be clear to all readers. This Survey Report presents the compiled data in measures of central tendency (mean and median) and dispersion or spread (percentiles). These data points can also be combined to more precisely derive results that may be applicable in circumstances requiring more specific calculations because of the characteristics of a given situation where data is sought by the reader.

The mean (sometimes called the arithmetic average) is calculated by adding the values of all responses, then dividing by the number of responses.

For example, five responses are reported, 3, 4, 6, 8 and 12. The average is calculated by adding their values ($3 + 4 + 6 + 8 + 12 = 33$), then dividing by the number of responses (5). Thus, the average is $33 / 5 = 6.6$.

The median has a different meaning. It is the middle value of a series of values, which is initially rank-ordered from low to high. By definition, half the numbers are greater and half are less than the median. Both mean and median values are used throughout this Survey Report to denote the measure of central tendency, e.g., as a pointer for the central area of survey results without regard to the average.

Statisticians variously agree that using the median as a statistic reduces the effect of extreme outlier numbers (extremely high or low values, such as 12 in the above example) while the average does not do so because it takes all numbers into account.

As an example of how using a median affects the above numbers, the same five responses are reported, 3, 4, 6, 8 and 12. The median is the middle number of the order of distribution, 6. Note, however, that the average of this same distribution of numbers is 6.6. Depending on the set of numbers under analysis, the mean (i.e., the average) may be incrementally higher or lower than the actual median of that set of numbers.

The median literally is the value in the middle. It represents the mid way point in a sequence of numbers. It is determined by lining up the values in the set of data (for example, in this fee survey that would be all of the individual fee rate responses logged in the survey) from the smallest to the largest. The one in the dead-center position is the median number.

The median is not the average of the numbers because you don't add anything in the list, but you merely determine the center of the list. Some statisticians say that using the mean (instead of the average) gives less weight to the individual numbers that are on the outer limits of the survey responses and thus it is more likely to direct the survey to the real center of the responses.

The median result of a set of numbers may be higher or lower than the average of that same set of numbers. Because the median number is commonly not the same as the average number, being either slightly above or below it, we are including both the average and the median results for key data points in this Survey Report.

The dispersion of data around the median, which is at the 50th percentile point, is

reported in three increments in several places throughout the Survey Report:

- ◆ 25th percentile (what statisticians call the lower quartile); one-fourth of the number values are less and three-fourth of the values are more than this value
- ◆ 75th percentile (the upper quartile); three-fourths of the number values are less and one-fourth are more than this value
- ◆ 95th percentile; ninety-five percent of the number values are less and only five percent are more than this value.

Interpreting the Findings: Primary and Minor Variable Factors

An hourly attorney fee rate may commonly be impacted by a combination of several factors each applied when applicable and potentially varying degrees. The four primary factors are years in practice, firm size, practice location, and degree of practice concentration. These four variables are widely known to have a significant impact on an hourly rate and in this survey are identified as the primary variables. This Survey Report provides data on all these variable factors.

Another often widely variable factor that is sometimes considered in determining a reasonable hourly rate is reputation, although it is highly individualistic. Characteristics that may contribute to the individual attorney's reputation would include trial experience, continuing legal education presentations in or related to an attorney's primary practice field, related articles and book publications, and publicly available professional rating services such as Martindale-Hubbell and Avvo. Individual analysis of these characteristics can be undertaken where and when and to the degree deemed appropriate.

Depending on the specific situation, there are other variable factors that historically are often of less impact than the primary variables, such as advertising, personal client relationships, and other more remote factors. These minor variables may apply in often unique instances but almost always to a lesser variable degree than the primary variables. Most often these minor variables are highly individualistic to the practitioner at hand and can be examined where and when and to the degree deemed appropriate.

Thus, the information presented here on the factors that are primary variables will be indicative of a particular attorney's reasonable hourly rate but there may be times when a further, more detailed analysis of minor variable factors may be useful to further refine and modify the result of the primary variable factors to a specific situation. Such a detailed analysis requires an individualistic inquiry and even then the potential impact of such these additional variables may be limited and doubtful.

The Experience Variable Tables present an analysis of the impact that the years of experience in practice has on hourly rates. Each greater metropolitan area has its own table of survey results with the levels of experience, e.g., years in practice, being divided into 11 time frames with less than one year and more than 46 years bracketing the outer limits at each end.

One might think that longevity of practice would dictate an increasingly higher hourly rate and these tables report survey results that test that assumption and, in some cases, variations are observed. For instance, since the beginning of this survey work twenty years ago, a bell shaped curve and other seemingly odd variations have historically been observed among senior levels of years in practice. Economic and social trends outside of this survey may further test the assumption of a relationship between increasing years in practice and an increasing hourly rate, but these are not considered in this survey.

In the Seattle tables presented here, note the use of both average and median results in these sections, with the median used to reduce the effect of extremely high or low values in some data. These tables also show the difference in survey results when comparing the average hourly rates and the median hourly rates, a factor considered by some statisticians to arrive at what they may consider to be more neutral or accurate survey results.

Survey Techniques Explained

Surveys are widely considered to be important tools in any evaluation process. There are fundamentally two types of surveys: open ended questioning and closed ended questioning.

Open ended questions allow the responder to respond in any manner at all with no definite or limited answer. Close ended questions provide a limited number of

possible answers from which a response can be chosen by the responder. Because open ended questions allow for an unlimited response, they can lead to a subjective analysis and the results are almost always more difficult to interpret and quantify for analysis.

Close ended questions, however, lend their responses to an easy and objective statistical analysis. This survey employed only close ended questions.

There are five types of close ended questions.

A Likert-scale question allows for responses on a scale and allows a responder to state their feelings about an issue, such as strongly agree to strongly disagree. Multiple choice questions allow the responder to select from a finite number of responses. Ordinal questions ask the responder to rate things in relation to each other, such as selecting the most important to the least important responses about an issue. Categorical questions first place the responder in a category and then poses questions based on those categories, such as preceding questions with the initial inquiry of whether the responder is male or female. Numerical questions are used when the answer must be a real number.

Different types of questions are used in survey work so that different types of result analyses may be conducted, but the most common survey techniques are the numerical and the multiple choice question because of the ease with which conclusions may be derived from the raw data.

In general, this survey used numerical and multiple choice questions. This allows for precise responses that can readily be cataloged and statistically interpreted. Categorical questions also exist within the survey that allowed for more information to be obtained from practitioners of consumer bankruptcy law, while allowing non-consumer bankruptcy practitioners to skip that focused section of the survey.

Survey Design Methodology

In addition to considering the types of questions to be employed in a survey, the very design of the survey itself should be considered. This requires considering the placement, wording, sequencing, and other factors that can influence accurate data gathering.

In designing the United States Consumer Law Attorney Fee Survey, the author considered all procedure, question and design factors enumerated and discussed in three primary sources: *Evaluating Survey Questions: An Inventory of Methods* prepared by the Subcommittee on Questionnaire Evaluation Methods of the Statistical and Science Policy Office in the U.S. Office of Management and Budget (January 2016), and *Evaluating Survey Questions* by Doctor Chase H. Harrison of Harvard University's Program on Survey Research, and *Methods for Testing and Evaluating Survey Questions* by Stanley Presser et al, as published in *Public Opinion Quarterly* Vol. 68, Issue 1 (March 2004).

Data Gathering Methodology

Understanding the data gathering methodology for this survey may assist the reader to understand, interpret, and apply the results published in this Survey Report.

This Survey Report is based on the results from two primary sources of data: the survey that was fielded to advocates operating in the field of Consumer Law during 2017 and 2018 and a continual survey of all available court and administrative decisions on attorney fees in consumer civil and administrative litigation during 2017 and 2018. It is expected that this blend of data practitioner reported rates and court actual rate decisions will achieve a high level of accuracy.

In each case, the answers to a select number of key data questions was obtained. In addition, specific consumer bankruptcy practice questions were added to provide a more detailed analysis of that niche area, because of unique aspects and issues in Bankruptcy Law. The analysis of that data appears in a separate Survey Report.

The fielded survey was administered via email, ordinary mail, facsimile and telephonic data gathering and invitations to an internet-based online questionnaire. The survey was closed when data compilation began in early 2019.

In compiling this Survey Report, a valuable contribution was made by members of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys, and Consumer Law attorneys independently determined to exist across the United States and its territories, who were invited to participate during 2017 and 2018.

The entire active membership of the National Association of Consumer Advocates and the National Association of Consumer Bankruptcy Attorneys, along with other known Consumer Law practitioners from around the United States and its territories were asked to participate in the survey.

Invitations to participate were also randomly sent to Consumer Law attorneys discovered through internet search engine results conducted on a national level, including specific lawyer and professional listing web sites such as Avvo.com, Lawyers.com and LinkedIn.com, as well as randomly selected physical telephone book specialty listings. Invitations to participate were also randomly sent to attorneys identified through court filings in various jurisdictions and bar association directories.

As noted above, this survey included a systematic, comprehensive survey of court and administrative agency cases involving disputed attorney fee issues in consumer civil and administrative agency litigation. The resulting fee decisions which are included in the survey database came from every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

To accomplish this case survey, case alerts were created and established in Lexis and Westlaw so that the Survey Editor would receive alerts to every consumer dispute decision involving attorney fees. With each such alert, the case decision was read, the fee-prevailing attorneys identified and researched. In some cases the attorneys were invited to participate in the survey or directly asked survey questions, but in many cases the research results revealed the survey's required responses for each such attorney and were entered individually into the survey database. As a result, this Survey Report presents the results of both attorney participants and actual decisions made by courts and administrative agencies that occurred during 2017 and 2018.

As with prior surveys, an on-line survey service was utilized to gather and tabulate the results with safeguards in place to limit data input to one participant per survey. Additional direct email and telephone survey input was also utilized. As the data was analyzed, all substantial outlier data points were each investigated for authenticity, and disregarded where authenticity was not established.

Our similar studies have been undertaken continually since 1999. The objective of these studies has been to determine and report upon the demographics of Consumer Law practitioners, including attorney hourly billing rate, firm size, years in practice, concentration of practice, areas of primary and secondary practice, paralegal billing

rates and other data of use to the profession.

The collected information has been condensed into this national reference to provide useful data and benchmarks to inform the public, bar, and bench, to assist attorneys who handle consumer disputes as they manage their practice, and provide useful aid to judicial officers as they seek to determine applicable reasonable hourly rates in the cases and disputes before them.

The data is reported in a variety of focus tables below, allowing the reader to consider the data from several viewpoints of selected factors or criteria. Nevertheless there may be situations where a practitioner desires a data analysis and report specific to their practice or situation. If a more detailed analysis of data for any geographic or practice-specific situation is necessary, it can be performed upon request directed to the editor of this work.

Data Analysis Methodology Explained

The data analysis relies on descriptive statistics, including averages, medians, and percentiles. The average, also known as the mean, is calculated by adding all of the respondents' numerical answers for a particular item and dividing by the total number of respondents. The median, also known as the midpoint, is the point at which half of the responses are above and half are below that number.

The percentiles, e.g., 25th, 75th, and 95th, represent the point in the range of responses at which 25%, 75%, 95% of the respective responses occur for a specific question. For example, the 95th percentile hourly rate amount is the hourly rate amount at which 95% of the reported hourly rate amounts were below and 5% of the hourly rate amounts were above the number quoted.

Items may not sum up to 100% due to rounding in some cases. A data result is indicated as a dash mark (e.g., “ - ”) in this Survey Report if no data or if insufficient data was reported.

Data is presented for all of the United States and the geopolitical areas of the District of Columbia, Puerto Rico and the U.S. Virgin Islands. Some survey data quantities allowed for greater and closer analysis than other geographic areas because not all reported at high levels of data responses. In almost all table fields, survey participation yielded sufficient data for reliable analysis without any necessary use of

inferential analysis. In the State Summary Tables, the minimum state participation level was 10 survey data points or participants for analyses to be performed. In the Metropolitan Summary Tables, the minimum greater metropolitan participation level was also 10 survey data points or participants for analyses to be performed. In a Median Rate for Practice Areas table, if one field had no resulting data then the remaining six other practice area fields in that table would be considered and the median result entered in the field that had insufficient participation.

This was a robust survey, e.g., there are more than 4,153 fields of data calculation in this Survey Report but only six data fields lacked sufficient data input when the survey was closed, which represents 0.0014447387 of all data presented. The results for these 6 data fields were marked with a dash, indicating deficient data level to make a reliable computation. In any other instance, the result would be imputed using a variation of the scientifically accepted standard Maximum Likelihood Estimation (MLE) method statistical approach, which estimates the parameters of a statistical model given observations by finding the parameter values that maximize the likelihood of making the observations given the parameters. This approach assumes a uniform prior distribution of the parameters, which was verified to exist by examination of the presented data in this survey. The common variation of MLE employed here used multiple but related fields as sources of data for imputation, invoking multiple fields of related known data to arrive at imputed data for the 11 missing fields. Data fields used for imputation purposes were limited to geographically contiguous data fields because of the established multi-state regional data relationships observed over our 20 years of previous survey data analyses. Simply put, data movement has always been more relational within a geographical area than when contrasted between geographical areas.

In performing calculations of state data for any field in any table, several rules applied for the imputation of missing or insufficient data.

First, if the current survey state data was insufficient then using the prior survey result the editor looked first for a field with data in the prior survey that was contiguous to the data deficient field in the current survey. Next, the editor determined the percentage change from one data field to the next data field in the prior survey and then applied that percentage change to the current survey to calculate the percentage change that would occur from the same known contiguous field to the data deficient field in the current survey. Finally, if there was none then the editor would use the average of all contiguous states' data in the deficient field to determine the entry for the insufficient data field.

In the greater metropolitan area Median Rate for Practice Areas table, if any data field was insufficient then the state data for that field is used. In performing calculations for the greater metropolitan Experience Variable Table, if greater metropolitan data was insufficient then the current survey uses the state data result for that field where data is insufficient. In performing the greater metropolitan area calculations for any field, if greater metropolitan area data is insufficient then the current survey uses the state data result for that field.

Peer Review of Methodologies and Survey Analyses

The National Association of Legal Fee Analysis (NALFA) has reviewed this edition of the United States Consumer Law Attorney Fee Survey Report prior to publication and has announced its support of the methodology used in the data collection and analyses performed. See Appendix 3.

NALFA is a 501(c)(6) non-profit professional association for the legal fee analysis field, providing services on attorney fee and legal billing matters. Courts and clients turn to NALFA for expertise when attorney fees and expenses are at issue in large complex cases. NALFA members include fully qualified attorney fee experts, special fee masters, bankruptcy fee examiners, fee dispute mediators and legal bill auditors and NALFA members follow Best Practices in legal fee analysis. For more information, visit www.thenalfa.org.

Error Rate

Before this publication, a hand selected review was conducted of selected data received during this survey and compared with the data reported in the previous survey. The results indicate an error rate of less than one percentage point at the 95% confidence level in the present Survey Report, a number substantially lower than the published error rate of similar types of surveys.

Section 508 Compliance

The United States Consumer Law Attorney Fee Survey is the only survey of its type that is Section 508 Certified. This means that the survey program on which this

survey runs meets all current U.S. Federal Section 508 certification guidelines.

Section 508 is a Federal law that outlines the requirements to make online information and services accessible to users with disabilities. All Federal agencies are required to use 508 certified software and technologies when available.

The Voluntary Product Accessibility Template (VPAT) was used in the design of the survey. VPAT's purpose is to assist Federal contracting officials and others in making preliminary assessments regarding the availability of commercial "Electronic and Information Technology" products and services with features that support accessibility. The VPAT was developed by the Information Technology Industry Council (ITI) in partnership with the U.S. General Services Administration (GSA).

Use of the VPAT means that this survey is built on programming that includes a text element for every non-text element of the survey web page, web pages are designed so that all information displayed with color is also available without color, all parts of the survey are readable without having to open another window, and other techniques to enable disabled persons to fully participate in every aspect of the Fee Survey.

The editor deems it important that the survey reach the broadest range of potential respondents possible in order to provide the reader with the most accurate results. By including survey feedback from the disabled demographic, the survey ensures a more representative population is able to participate so that all demographics may be included in the survey results.

2. Seattle Greater Metropolitan Area Summary Tables

Billable Attorney and Paralegal Survey Participation Data Count

<i>State</i>	<i>Billable Attorney Data Count</i>	<i>Billable Paralegal Data Count</i>
Washington	43	33
Seattle Greater Metro	31	25

Explanation of Table

Average Number of Attorneys in Firm	The typical firm size in this metro area.
Median Years in Practice	The median number of years that all attorneys in this city area have been in practice.
Average Years in Practice	The average number of years that all attorneys in this city area have been in practice.
Average Concentration of Practice in Consumer Law	The largest percentage group, expressed as a percentage in the midpoint of all percentile ranges (90-100% is represented as 95% in the table).
Primary Practice Area	The area of law comprising the largest percentage of the practice work.
Secondary Practice Area	The largest practice area outside of the primary practice area; more than one may be listed.
Average Number of Paralegals in Firm	The average number resulting from all survey responses of this metropolis area.
Last Time Attorney Rate Changed (Average in Months)	The median number, expressed in months.

Average Paralegal Rate for All Paralegals	Expressed in dollars.
Average Attorney Rate for All Attorneys	Expressed in dollars. Note that this is not the “median.”
25% Median Attorney Rate for All Attorneys	25% of all survey responses are below this number, expressed in dollars.
Median Attorney Rate for All Attorneys	Half of all survey responses are above this number and half below, expressed in dollars.
75% Median Attorney Rate for All Attorneys	75% of all survey responses are below this number, expressed in dollars.
95% Median Attorney Rate for All Attorneys	5% of all survey responses are above this number, expressed in dollars.

Median Rates for Practice Areas in Consumer Law

Median Rate for Attorneys Handling Bankruptcy Cases	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Class Action Case	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Credit Rights Cases	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Housing Rights Cases	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Vehicle Cases	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling	For all attorneys handling this specific

TCPA Cases	niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Unfair and Deceptive Practices Act (UDAP) Cases	For all attorneys handling this specific niche area of Consumer Law, half of all survey responses are above this number and half are below
Median Rate for Attorneys Handling Other Cases	For all attorneys handling a niche area of Consumer Law not defined in the preceding six areas, half of all survey responses are above this number and half are below

Following each Metropolitan Area Summaries Table is the Median Rates for Practice Areas table, as explained in the chart above. After that there appears the Experience Variable Table which provides attorney hourly rates by years in practice for that Metropolitan Area. Combined, these tables are intended to provide the reader with a quick and easy snapshot of the data as viewed in the narrow metropolitan approach to the data. The Experience Variable Table also may provide a view of the average hourly rates for an attorney as measured simply by years in practice, but all three metropolitan tables should also be considered in making such a determination.

Of course, the years in practice of an attorney is often deemed related to the experience level of an attorney and is also one of the traditional ways of determining the reasonableness of a particular attorney’s hourly rate.

The years in practice alone may not be a sufficient basis, by itself, to consider a particular hourly rate to be reasonable in a particular case. Other factors also relate to the determination of a reasonable hourly rate in a particular case.

In this section of the Survey Report, the only data included is from attorneys who indicated they practiced in the metropolitan area. Non-metropolitan area data was excluded. However, where the survey participant indicated they practiced in both metropolitan and non-metropolitan areas at the same hourly rate, their data was included in the metropolitan reporting below.

A non-metropolitan data report by years in practice can be made available upon request. However, case law indicates that the hourly rate for the jurisdiction at hand

often applies to an attorney's hourly rate when practicing in that jurisdiction, rather than the hourly rate for their office location.

Washington, Seattle - Tacoma Greater Metropolitan Area

Average Number of Attorneys in Firm	3.05
Median Years in Practice	14.5
Average Years in Practice	16.11
Average Concentration of Practice in Consumer Law	79.5
Primary Practice Area	Consumer Law
Secondary Practice Area	Personal Injury
Last Time Attorney Rate Changed (Average in Months)	15.36
Average Number of Paralegals in Firm	2.5
Average Paralegal Rate for All Paralegals	142
Average Attorney Rate for All Attorneys	420
25% Median Attorney Rate for All Attorneys	300
Median Attorney Rate for All Attorneys	388
75% Median Attorney Rate for All Attorneys	506
95% Median Attorney Rate for All Attorneys	675

Small and Large Firm Median Hourly Rates Compared

25% Median Attorney Rate for Small Firms	300
Median Attorney Rate for Small Firms	350
75% Median Attorney Rate for Small Firms	525
95% Median Attorney Rate for Small Firms	656
25% Median Attorney Rate for Large Firms	313
Median Attorney Rate for Large Firms	450
75% Median Attorney Rate for Large Firms	575
95% Median Attorney Rate for Large Firms	713

Median Rate for Practice Areas

	Median
Attorneys Handling Bankruptcy Cases	350
Attorneys Handling Class Action Cases	450
Attorneys Handling Credit Rights Cases	375
Attorneys Handling Housing Rights Cases	425
Attorneys Handling Vehicle Cases	425
Attorneys Handling TCPA Cases	450
Attorneys Handling UDAP Cases	425
Attorneys Handling Other Cases	300

Experience Variable Table (See Editor's Note which follows table)

Years Practicing Consumer Law	Average Attorney Hourly Rate
<1	175
1-3	250
3-5	308
6-10	375
11-15	442
16-20	450
21-25	475
26-30	467
31-35	483
36-40	600
41-45	425
46+	400

Editor's Note: survey results since 1999 have consistently shown a "bell curve" to approximate the survey results when years in practice are considered, with low points typically at the beginning of a career, rising during the career midpoint, and then dropping down at the top end of the years in practice, often with some slight variation at the midpoint area.

3. Cases Employing Use of Prior Editions of this Survey Report

Since 1999, when the data in this Survey Report first began to be compiled, the Survey Report has undergone various revisions in both substance and data analysis. Each revision resulted in further refinement of both the data as gathered and the final Survey Report as published. As various Courts considered previously published Survey Reports in years past, refinements in data gathering, analysis, and reporting were made periodically to both achieve improvements and address judicial commentary and criticism.

The continued refinement resulted in a major revision in data gathering, analysis, and reporting that occurred with the publishing of the United States Consumer Law Attorney Fee Survey for 2013-2014. That edition of the Survey Report added detailed reporting on specific geocentric data from 29 states and the District of Columbia and 46 greater metropolitan areas.

This new 2019-2020 Seattle Greater Metropolitan Area interim edition of the Survey Report takes the data gathering and analyses processes even further by broadening the coverage to 157 high-population greater metropolitan areas in the United States.

While Courts frequently look to an attorney's normal hourly rate in making fee determinations, Courts may also consider market rates in the attorney's community, either in the absence of a stated hourly rate for the fee applicant or in addition to it.

Reasonable hourly rates are to be determined on the basis of market rates for services rendered. An "attorney's actual billing rate for comparable work is 'presumptively appropriate' to use as the market rate." *People Who Care v. Rockford Bd. of Educ. Sch. Dist. No. 205*, 90 F.3d 1307, 1310 (7th Cir., 1996). If the attorney has no actual billing rate, "the court should look to the next best evidence – the rate charged by lawyers in the community of 'reasonably comparable skill, experience and reputation.'" *Id.* (quoting *Blum v. Stenson*, 465 U.S. 886, 892, 895 n. 11 (1984)); see also *Spegon v. The Catholic Bishop of Chi.*, 175 F.3d 544, 556 (7th Cir., 1999).

Sierra Club v. Jackson, 2013 U.S. Dist. LEXIS 137217, *5, 2013 WL 5409036 (W.D. Wis., Sept. 25, 2013)

Nevertheless,

"the attorney's actual billing rate for comparable work is presumptively appropriate to use as the market rate." 175 F.3d at 555 (quoting *People Who Care v. Rockford Bd. Of Educ. School Dist. No. 205*, 90 F.3d 1307, 1310 (7th Cir. 1996)). [**10] Only if an attorney is unable to provide evidence of her actual billing rates should a district court look to other evidence, including "rates similar experienced attorneys in the community charge paying clients for similar work." 175 F.3d at 555. Therefore, SIU is correct in asserting that looking to the southern Illinois legal community's rate would have been appropriate, but only if the district court provided an adequate reason to use a rate other than the presumed market rate, i.e., the appellants' market rate.

However, just because the proffered rate is higher than the local rate does not mean that a district court may freely adjust that rate downward. When a [*744] local attorney has market rates that are higher than the local average,"[a] judge who departs from this presumptive rate must have some reason other than the ability to identify a different average rate in the community." *Gusman*, 986 F.2d at 1151. Similarly, if an out-of-town attorney has a higher hourly rate than local practitioners, district courts should defer to the out-of-town attorney's rate when calculating the lodestar amount, though if "local attorneys could do as well, and there is no other [**11] reason to have them performed by the former, then the judge, in his discretion, might allow only an hourly rate which local attorneys would have charged for the same service."

Mathur v. Bd. of Trs. of S. Ill. Univ., 317 F.3d 738, 743-744, 2003 U.S. App. LEXIS 1055, *9-11, 90 Fair Empl. Prac. Cas. (BNA) 1537, 84 Empl. Prac. Dec. (CCH) P41,400 (7th Cir. Ill., Jan. 24, 2003)

In looking at the market rates in the applicant's community, Courts frequently consider and use survey data in their decision-making involving fee disputes, finding it an economical and impartial means of determining contested fee issues.

When two metropolitan areas are near each other, their hourly rates may be found to be comparable. See, *Arana v. Monterey Fin. Servs.*, 2016 U.S. Dist. LEXIS 46111, *6, 2016 WL 1324269 (S.D. Cal., Apr. 5, 2016) (“Of all the hourly rate evidence submitted by the parties, the most relevant is the Consumer Fee Survey's data for first year Los Angeles, California consumer law attorneys. Of all the cities represented in the Consumer Fee Survey, Los Angeles is the one that's geographically closest to San Diego. The Court's independent research suggests that Los Angeles and San Diego rates are similar.....”).

Some of the cases using the *U.S. Consumer Law Attorney Fee Survey Report* when deciding attorney fee disputes in Consumer Law cases, include the following.

In re Sears, 2016 U.S. Dist. LEXIS 124235, 2016 WL 4765679 (N.D. E.D., Ill., Sep. 13, 2016) (a class action case considering the Laffey Matrix, the National Law Journal Survey and the 2013-2014 U.S. Consumer Law Attorney Fee Survey and using the median rate schedules for Chicago area survey data contained in the 2013-2014 Report in conjunction with both the Matrix and the NLJ survey).

Reid v. Unilever United States, Inc., 2015 U.S. Dist. LEXIS 75383, *50, 2015 WL 3653318 (N.D. Ill., June 10, 2015) (a class action case finding the Laffey Matrix rates to be supported by the Chicago area survey data contained in the 2010-2011 Report; “However, because the Matrix rate recommended here is supported by the Chicago-specific rates contained in the Report, the Court concludes that it is reasonable.”).

Crafton v. Law Firm of Jonathan B. Levine, 2014 U.S. Dist. LEXIS 29690, 2014 WL 907423 (E.D. Wis., Mar. 7, 2014) (“Several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an attorney's hourly rate, particularly in conjunction with consideration of counsel's experience. See *Moreland v. Dorsey Thornton & Assocs., LLC*, 2011 U.S. Dist. LEXIS 54487, 2011 WL 1980282, *3 (E.D. Wis., May 20, 2011) (relying on counsel's website, which lists the attorney profiles, along with the United States Consumer Law Attorney Fee Survey in determining that the requested hourly rate was reasonable); *House v. Shapiro & Price*, 2011 U.S. Dist. LEXIS 38322, 2011 WL 1219247 (E.D. Wis., Mar. 30, 2011) (same);

Suleski v. Bryant Lafayette & Assocs., 2010 U.S. Dist. LEXIS 55353, 2010 WL 1904968 (E.D. Wis., May 10, 2010) (same).”)

Davis v. Hollins Law, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 2014 WL 2619651 (E.D. Cal., Jun. 12, 2014) (“Plaintiff also relies on the United States Consumer Law Attorney Fee Survey Report 2010-2011 * * * The court has reviewed the methodology underlying the Survey, and finds it credible.”).

Decker v. Transworld Systems, Inc., 2009 U.S. Dist. LEXIS 78987, 2009 WL 2916819, N.D., Ill., Sept. 01, 2009 (finding results in the 2007 United States Consumer Law Attorney Fee Survey Report to be supported by the Laffey Matrix).

Beach v. LVNV Funding, LLC, 2013 U.S. Dist. LEXIS 162926, 2013 WL 6048989 (E.D. Wis., Nov. 15, 2013) (“... several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an attorney's hourly rate, particularly in conjunction with consideration of counsel's experience.”).

Dibish v. Ameriprise Fin. Servs., 2015 Pa. Dist. & Cnty. Dec. LEXIS 432, *17-18 (Pa. C.P., Mar. 23, 2015) (“In setting Mr. Behrend's rate at \$350 per hour, I considered all of the materials [18] submitted by the parties. The most objective document, and therefore what I considered most important in my analysis, was the "United States Consumer Law Attorney Fee Survey Report 2010-2011,".....).

Lockmon v. Thomas F. Farrell, P.C., 2012 U.S. Dist. LEXIS 178661, 2012 WL 6590426, at *3 (D. Colo., Dec. 18, 2012) (“the Court finds that the average rates set forth in the [Consumer Law Attorney Fee] Survey are reasonable”).

LaFountain, Jr v. Paul Benton Motors of North Carolina, LLC, 2010 U.S. Dist. LEXIS 121631, 2010 WL 4457057 (E.D. NC, Nov. 5, 2010) (Senior U.S. District Judge James C. Fox specifically finds the *U.S. Consumer Law Attorney Fee Survey Report* to be persuasive, after rejecting the National Law Journal's fee survey and the U.S. Attorney's Laffey Matrix as **un**persuasive in consumer law cases: “The court does, however, find the evidence in the *United States Consumer Law Attorney Fee Survey* to be persuasive”).

Ramirez v. N. Am. Asset Servs., LLC, 2012 U.S. District LEXIS 54641, 2012 WL 1228086 (C.D. Cal., Apr. 9, 2012) (stating that the argument opposing the *Survey* was “untethered” to reality in light of the *Survey* report's resulting data).

Lindenbaum v. NCO Fin. Sys., 2011 U.S. Dist. LEXIS 78069, 2011 WL 2848748 (E.D. Pa., July 19, 2011) (using both the *U.S. Consumer Law Attorney Fee Survey Report* and the U.S. Attorney's Laffey Matrix in determining a fee award).

Suleski v. Bryant Lafayette & Associates, 2010 U.S. Dist. LEXIS 55353, 2010 WL 1904968 (E.D. Wis., May 10, 2010) (“However, the United States Consumer Law Attorney Fee Survey for 2008-09 for the Midwest and California, see www.consumerlaw.org/feesurvey (last visited May 7, 2010), supports the reasonableness of the hourly rates sought by counsel in light of their experience”).

Vahidy v. Transworld Systems, Inc., 2009 U.S. Dist. LEXIS 78984, 2009 WL 2916825 (N.D. Ill., September 01, 2009) (finding results in the 2007 United States Consumer Law Attorney Fee Survey Report to be “supported by the Laffey Matrix”).

Bratton v. Thomas Law Firm PC, 943 F. Supp. 2d 897 (N.D. Ind. 2013) (“In *Moore v. Midland Credit Mgmt., Inc.*, 2012 U.S. Dist. LEXIS 176600, 2012 WL 6217597 (N.D. Ind. Dec. 12, 2012), this Court recently analyzed the applicability of both the *Consumer Law Attorney Fee Survey Report* and the Laffey Matrix. [904] The Court found that the Report "provides a general range for billing rates that is useful as one factor in a court's multi-factor analysis." 2012 U.S. Dist. LEXIS 176600, [WL] at *4.”).

Beach v. LVNV Funding, LLC, 2013 U.S. Dist. LEXIS 162926, 2013 WL 6048989 (E.D. Wis. Nov. 15, 2013). (“As Beach points out, several courts in this District have recognized the Fee Survey as a reliable resource in determining the reasonableness of an attorney's hourly rate, particularly in conjunction with consideration of counsel's experience.”).

Cases Listed by State or Other Jurisdiction

A more comprehensive listing of cases using the *U.S. Consumer Law Attorney Fee Survey Report* when deciding attorney fee disputes in Consumer Law cases includes those on the following list.

Alabama

Hicks v. City of Tuscaloosa, 2016 U.S. Dist. LEXIS 174579, 2016 WL 7029827 (N.D. Alabama, May 24, 2016) (considering 2010-2011 Survey Report in Discrimination under Family and Medical Leave Act case, granting \$154,192.50 in fees).

Jordan v. City of Birmingham, 2015 U.S. Dist. LEXIS 183532, 2015 WL 12830455 (N.D. Alabama, Jun. 22, 2015) (considering 2010 - 2011 Survey Report, in EEOC case, requested fees of \$61,850 granted to Plaintiff as supported by Survey Report).

Arizona

Savage v. NIC, Inc., 2010 U.S. Dist. LEXIS 60311, 2010 WL 2347028 (D. Ariz., Jun. 9, 2010) ([year not stated] Survey Report, in FDCPA, Credit Rights case, requested fees of \$17,442 granted).

Shelago v. Marshall & Ziolkowski Enterprise, LLC, 2009 U.S. Dist. LEXIS 38940, 2009 WL 1097534 (D. Ariz., 2009., Apr. 21, 2009) ([year not stated] Survey Report in FDCPA, Credit Rights case, \$17,175 requested and granted).

California

Warren v. Kia Motors America, 2018 Cal. App. LEXIS 1144, 2018 WL 6520889 30 Cal.App.5th 24, 241 Cal.Rptr.3d 263 (C.A. 4th App Dist, Div. Two, Cal., Dec. 12, 2018) (2015-2016 Survey Report, in Lemon Law, Vehicle Litigation case, trial court's reduction of lodestar calculation making fees proportionate to damages was reversed).

Medina v. South Coast Car Co., 15 Cal. App. 5th 671, 2017 Cal. App. LEXIS 820, 2017 WL 4247131 (C.A. 4th App Dist, Div. One, Cal., Sept 19, 2017) (2013-2014 Survey Report, in vehicle sales fraud case, \$128,004 granted and upheld on appeal).

Hollandsworth v. McDowell, 2015 WL 12830177 (Cal. Super., May 20, 2015) (2007 Survey Report, in vehicle warranty breach case, \$27,027 requested and granted).

California, C.D.

Biggerstaff v. Saul, 2019 WL 4138015 (C.D. Cal., July 5, 2019) (while quoting applicable hourly rates from Survey Report, court adopted "de facto hourly rate of "\$1,400 per hour for combined attorney and paralegal time") (2015-2016 Survey Report, in EAJA, Social Security case, \$32,760 granted).

Liu v. BMW of North America, LLC, 2019 WL 4196061 (C.D., W.D., Cal. May 29, 2019) (2013-2014 Survey Report, in Vehicle Warranty Law case, \$140,567 granted)

(\$475 @ 12 Years; \$500 @ 43 Years; \$450 @ 14 Years; \$550 @ 26 Years).

Sayed v. Cheatham Farms Master Homeowners' Ass'n, 2019 WL 1949028 (C.D. Cal., Apr. 16, 2019) (“in recent years, the majority [of district courts in California] have been willing to consider the Report’s results as evidence of prevailing hourly rates in FDCPA and Rosenthal Act cases.”) (2015-2016 Survey Report, in FDCPA, Credit Rights, Udap case, \$53,640 granted) (\$450 @ 26 Years).

Cunningham v Meridian Credit Group, LLC, 2019 U.S. Dist. LEXIS 23680, 2019 WL 643966 (C.D. Cal., Feb. 11, 2019) (2013-2014 Survey Report, in Credit Rights, FDCPA case, \$8,410 granted) (\$300 @ 2 years; \$400 @ 4 years).

Castaneda v. Ocwen Loan Servicing, 2018 U.S. Dist. LEXIS 198852 (C.D. Cal., Nov. 21, 2018) (2015-2016 Survey Report, in Mortgage, Credit Rights, FCRA, FDCPA case, \$77,418 granted) (movant cited two pages of excerpted fee survey without explanation of how they supported request and cited rates from Arizona instead of the relevant Los Angeles community; court used hourly rates requested by one movant and reduced the other movant 10% after using awards by movant and its own knowledge of the local legal market) (\$550 at 27 years; \$450 @ 8 years).

Carrion v Kirby Oldsmobile, Inc., 2018 WL 6137127 (D.D. Cal., Nov. 9, 2018) (objection to admission into evidence of *United States Consumer Law Attorney Fee Survey Report* overruled; attorney performing paralegal duties in case awarded paralegal hourly rate) (2015-2016 Survey Report, Vehicle Warranty case, \$32,786.25 granted) (\$475 @ 21 Years; \$450 @ 21 Years; \$350 @ 8 Years; \$150 @ 15 Years for attorney performing paralegal duties).

Low-Iacovino v. Benefit Plan Committee of Nonbargained Program of AT&T Pension Benefit Plan, 2018 WL 6985241 (C.D. Cal., July 2, 2018) (2015-2016 Survey Report, in ERISA case, \$33,630 granted) (Survey Report helpful but evidence of comparable rates in comparable ERISA cases desired and used by Court in fee decision).

Townsend v. Yorkshire Acquisition Group, 2018 U.S. Dist. LEXIS 142429, 2018 WL 4006956 (C.D. Cal., May 7, 2018) (2013-2014 Survey Report, in Credit Rights, FDCPA case, \$4,480 granted) (\$400 @ 3 Years; \$300 @ 1 Year).

Wilson v Berryhill, 2018 WL 6010320 (C.D. Cal., May 4, 2018) (2013-2014 Survey Report, in EAJA, Social Security case, \$4,341 granted).

Benedict v. Fidelity Capital Holdings, Inc., 2016 WL 11518497 (C.C. Cal., June 9, 2016) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$14,820 granted) (\$650 @ 25 Years).

Vardanyan v. CMRE Fin. Servs., 2013 U.S. Dist. LEXIS 183486(C.D. Cal., Feb. 11, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$18,303 granted).

Ramirez v. N. Am. Asset Servs., LLC, 2012 U.S. District LEXIS 54641, 2012 WL 1228086 (C.D. Cal., Apr. 9, 2012) (2007 Survey Report, in FDCPA, Credit Rights case, \$2,126 requested and granted).

Krapf v. Nationwide Credit, Inc., 2010 U.S. Dist. LEXIS 116689, 2010 WL 4261444 (C.D. Cal., Oct. 21, 2010) (2007 Survey Report, in FDCPA, Credit Rights case, hourly rates requested and approved, \$26,120 granted).

California, E.D.

Flory v. McCabe, Weisberg & Conway, LLC, 2019 WL 2562632 (D. NJ, June 20, 2019) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$3,762.50 granted) (\$350 @ 25 Years).

Uhl v. Colvin, 2016 U.S. Dist. LEXIS 78779, 2016 WL 3361800 (E.D. Cal., Jun. 15, 2016) (2013-2014 Survey Report, in EAJA Social Security case, \$10,363 granted).

Davis v. Hollins Law, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 2014 WL 2619651 (E.D. Cal., Jun. 12, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, data-supported hourly rates used, \$35,813 granted).

California, N.D.

Reenders v Premier Recovery Group, 2019 WL 2583595 (N.D. Cal., May 7, 2019) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$ 1,350 granted) (\$225 @ 2 Years).

Slotnick v. I.C.Q. Search and Recovery, 2018 WL 6258888 (C.D. Cal., Sept. 19, 2018) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$31,455 granted) (“The Court finds that the Attorney Fee Survey is an adequate means of establishing average billing rates for consumer protections attorneys in this forum” citing *Ramirez v. N. Am.*

Asset Servs. LLC) (\$400 @ 10 Years).

Bratton v. FCA US LLC, 2018 U.S. Dist. LEXIS 180975, 2018 WL 5279581 (N.D. Cal. Oct. 22, 2018) (“A number of courts, including courts in this District, have also found that the United States Consumer Law Attorney Fee Survey Report may be used as evidence of prevailing rates.”) (2015-2016 Survey Report, in vehicle warranty breach case, \$27,092 granted) (\$350 @ 16 Years; \$500 @ 15 Years; \$400 @ 15 Years; \$325 @ 11 Years; \$350 @ 5 Years; \$250 @ 4 Years).

Forkum v. Co-Operative Adjustment Bureau, Inc., 2014 U.S. Dist. LEXIS 106912, 2014 WL 3827955 (N.D. Cal. Oakland Div., Aug. 4, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$21,097 granted) (initial motion denied without prejudice at 2014 U.S. Dist. LEXIS 91148, 2014 WL 3101784).

Senah, Inc. v. Xi'an Forstar S&T Co, 2016 U.S. Dist. LEXIS 72293, 2016 WL 3092099 (N.D. Cal., Jun. 2, 2016) (2013-2014 Survey Report, in breach of contract case, \$145,692 granted).

Klein v. Law Offices of D. Scott Carruthers, 2015 U.S. Dist. LEXIS 75269, 2015 WL 3626946 (N.D. Cal., Jun. 10, 2015) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$4,886 granted).

Hampton v. Colvin, 2015 U.S. Dist. LEXIS 53630, 2015 WL 1884313 (N.D. Cal., Apr. 23, 2015) (2010-2011 Survey Report, in EAJA Social Security case, \$3,741 granted).

Brown v. Mandarich Law Group, LLP, 2014 U.S. Dist. LEXIS 47020, 2014 WL 1340211 (N.D. Cal., Apr. 2, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$7,485 granted).

Castro v. Commercial Recovery Sys., 2014 U.S. Dist. LEXIS 33675 (N.D. Cal., Mar. 13, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,520 granted).

Stephenson v. Neutrogena Corporation, 2012 U.S. Dist. LEXIS 105099, 2013 WL 12310811 (N.D. Cal., Aug. 22, 2013) (2010-2011 Survey Report, in Class Action case, \$433,333 granted).

Chan v. Booska, 2013 U.S. Dist. LEXIS 109005 (N.D. Cal., Jul. 15, 2013) (2010-

2011 Survey Report, in FDCPA, Credit Rights case, \$9,600 granted).

Garcia v. Resurgent Capital Servs., 2012 U.S. Dist. LEXIS 123889, 2012 WL 3778852 (N.D. Cal., Aug. 30, 2012) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$187,292 granted).

Ramirez v. North American Asset Services, LLC, 2012 U.S. District LEXIS 54641, 2012 WL 1228086 (C.D. Cal., Apr. 9, 2012) ([year not stated] Survey Report), in FDCPA, Credit Rights cases, \$2,521 granted).

California, S.D.

Norris v. Saul, 2019 U.S. Dist. LEXIS 141318, 2019 WL 3935638 (S.D. Cal., August 20, 2019) (2015-2016 Survey Report, in EAJA case under 42 U.S.C. 406(b), \$10,000 granted).

Jackson v. Berryhill, 2019 WL 1470869 (S.D. Cal., Apr 3, 2019) (2015-2016 Survey Report, in EAJA, Social Security case, \$24,700 granted).

Cash v Berryhill, 2019 U.S. Dist. LEXIS 57694, 2019 WL 1469098 (S.D. Cal., Apr 3, 2019) (2015-2016 Survey Report, in EAJA, Social Security case, \$21,224 granted).

Overton v. Berryhill, 2018 U.S. Dist. LEXIS 209766, 2018 WL 6523442 (S.D. Cal., Dec. 11, 2018) (“While Plaintiff has provided no evidence to support the reasonableness of the requested paralegal rate, despite it being his burden to do so, the Court looks to the [2015-2016] United States Consumer Law Attorney Fee Survey Report ("Report") to determine the market rate for paralegals,” adopting the reported \$100/hour San Diego paralegal median rate) (2015-2016 Survey Report, in EAJA, Social Security case, \$200 @ 41 Years, \$9,004 granted).

Cole v. Mercantile Adjustment Bureau, LLC, 2018 U.S. Dist. LEXIS 193511, 2018 WL 5920019 (S.D. Cal., Nov. 12, 2018) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$375 @ 7 years; \$375 @ 11 years; \$150 @ 1 Years, \$4,290 granted).

Ulugalu v. Berryhill, 2018 U.S. Dist. LEXIS 72442, 2018 WL 2012330 (S.D. Cal., Apr 30, 2018) (In the absence of evidence from the movant, “the Court looks to [the 2015-2016 Survey Report], adopting the reported \$100/hour San Diego paralegal median rate) (2015-2016 Survey Report, in EAJA, Social Security case, \$6,136 granted).

Arana v. Monterey Fin. Servs., 2016 U.S. Dist. LEXIS 46111, 2016 WL 1324269 (S.D. Cal., Apr. 4, 2016) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$4,450 granted).

Nguyen v. HOVG, LLC, 2015 U.S. Dist. LEXIS 124019, 2015 WL 5476254 (S.D. Cal., Sept. 15, 2015) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$41,350 granted).

De La Torre v. Legal Recovery Law Office, 2014 U.S. Dist. LEXIS 128220, 2014 WL 4547035 (S.D. Cal., Sept. 12, 2014) ([year not stated] Survey Report, in Cal. Anti-Slapp Law case, \$6,321 granted).

Verdun v. I.C. Sys., 2014 U.S. Dist. LEXIS 52238, 2014 WL 1456295 (S.D. Cal., Apr. 14, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$4,819 granted).

Delalat v. Syndicated Office Sys., 2014 U.S. Dist. LEXIS 33756, 2014 WL 930162 (S.D. Cal., Jan. 28, 2014) (2010-2011, 2d Ed. Survey Report, in FDCPA, Credit Rights case, \$230,342 granted).

Crawford v. Dynamic Recovery Servs., 2014 U.S. Dist. LEXIS 4057, 2014 WL 130458 (S.D. Cal., Jan. 10, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$3,496 granted).

Breidenbach v. Experian, 2013 U.S. Dist. LEXIS 82093, 2013 WL 2631368 (S.D. Cal., Jun. 11, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$5,079 granted).

Colorado

Harper v. Stellar Recovery, Inc., 2015 U.S. Dist. LEXIS 154479, 2015 WL 7253239 (D. Colo., Nov. 16, 2015) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$3,390 granted).

Villanueva v. Account Discovery Systems, LLC, 77 F.Supp.3d 1058, 2014 U.S. Dist. LEXIS 180001, 2015 WL 148965 (D. Colo., Dec. 12, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$1,385 granted).

Crapnell v. Dillon Cos., 2015 U.S. Dist. LEXIS 96184, 2015 WL 4484469 (D. Colo., Jul. 22, 2015) (2010-2011 Survey Report, in Sanctions case, \$2,100 granted).

Gregg v. N.A.R., Inc., 2014 U.S. Dist. LEXIS 32017, 2014 WL 959412 (D. Colo., Mar. 12, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$4,694 granted).

Reichers v. Del. Asset Mgmt., LLC, 2013 U.S. Dist. LEXIS 164981, 2013 WL 6096136 (D. Colo., Nov. 20, 2013) (rejecting Laffey Matrix, using Survey Report) ([Edition not stated] Survey Report, in FDCPA, Credit Rights case, \$2,085 granted).

Rodriguez v. Luchey & Mitchell Recovery Solutions, LLC, 2013 U.S. Dist. LEXIS 164285, 2013 WL 6068458 (D. Colo., Nov. 18, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights, TCPA case, \$2,172 granted).

Andalam v. Trizetto Group, 2013 U.S. Dist. LEXIS 159656, 2013 WL 5952012 (D. Colo., Nov. 7, 2013) (2010-2011 Survey Report, in Discovery Sanction case, requested hourly rates supported by Survey Report, \$2,500 granted).

Bock v. APIM, LLC, 2013 U.S. Dist. LEXIS 176648 (D. Colo., Nov. 7, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights, TCPA case, \$2,520 granted).

Peterson-Hooks v. First Integral Recovery, LLC, 2013 U.S. Dist. LEXIS 73907, 2013 WL 229544 (D. Colo., May 24, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$4,837 granted).

Scadden v. Weinberg, Stein & Associates, LLC, 2013 U.S. Dist. LEXIS 57939, 2013 WL 1751294, at *6 (D. Colo., Apr. 23, 2013) (rejecting Laffey Matrix, using Survey Report) (2007 Survey Report, in FDCPA, Credit Rights case, \$2,862 granted).

Shock v. Vandenberg, Chase & Assocs. LLC, 2013 U.S. Dist. LEXIS 71751 (D. Colo., Mar. 18, 2013 ([year not stated] Survey Report, in FDCPA, Credit Rights case, \$3,579 granted).

Lockmon v. Thomas F. Farrell, P.C., 2012 U.S. Dist. LEXIS 178661, 2012 WL 6590426, at *3 (D. Colo., Dec. 18, 2012) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$1,179 granted).

Anderson v. Nat'l Credit Sys., 2010 U.S. Dist. LEXIS 134268 (D. Colo., Dec. 1, 2010) (2007 Survey Report, in FDCPA, Credit Rights case, \$3,030 granted).

Florida, M.D.

Robinson, et al v. National Credit Systems, Inc., 2019 U.S. Dist. LEXIS 19953, 2019 WL 468580 (M.D. Fla., Fort Myers Div., Jan. 22, 2019) (\$425 @ 12 years, \$425 @ 9 years, \$100 Paralegal) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$31,896 granted).

Alvarado v. Featured Mediation, LLC, 2017 U.S. Dist. LEXIS 88022, 2017 WL 2480606 (M.D. Fla., Jun. 8, 2017) (\$350 @ 12 Years; \$250 @ 6 Years; Paralegal, \$100) (2013-2014 Survey Report, in FDCPA, Credit Rights, TCPA case, \$2,810 granted).

Santarlas v. Steube, 2017 U.S. Dist. LEXIS 383 (M.D. Fla., Tampa Div., Jan. 3, 2017) (2013-2014 Survey Report, in Driver Privacy Protection Act case, \$40,362 granted) (\$400 @ 23 Years; \$140, Paralegal).

Lane v. Accredited Collection Agency, Inc., 2014 U.S. Dist. LEXIS 58502, 2014 WL 1685677 (M.D. Fla., Apr. 25, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$3,725 granted).

Seaman v. McGuigan, 2013 U.S. Dist. LEXIS 29270, 2013 WL 806610 (M.D. Fla., Orlando Div., Feb. 11, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,305 granted).

Renninger v. Phillips & Cohen Associates, Ltd, 2010 U.S. Dist. LEXIS 92736, 2010 WL 3259417 (M.D. Fla., Tampa Div., Aug. 18, 2010) (2007 Survey Report, in FDCPA, Credit Rights case, \$2,379 granted).

Florida, S.D.

Sandin v. United Collection Bureau, Inc., 2009 U.S. Dist. LEXIS 71948, (S.D. Fla., Jul. 27, 2009), 2009 U.S. Dist. LEXIS 71945, 2009 WL 2500408 (S.D. Fla., Aug. 14, 2009) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$3,746 granted).

Georgia, M.D.

Hebert v. Wallet Recovery Ltd., 2014 U.S. Dist. LEXIS 57012, 2014 WL 1653490 (M.D. Ga., Apr. 24, 2014) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$15,256 granted).

Georgia, N.D.

Carter v. Debt Recovery Bureau, Inc., 2012 WL 13128943 (N.D. Ga., Atlanta Div., Sept. 28, 2012) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$3,279 granted).

Townsend v SRS and Associates, 2011 WL 13319492 (N.D. Ga., June 7, 2011) (2008-2009 Survey Report in FDCPA, Credit Rights case, \$3,036 granted).

Idaho

Lecoultre v. Takhar Collection Servs., 2013 U.S. Dist. LEXIS 96443, 2013 WL 3458072 (D. Idaho, Jul. 9, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,060 granted).

Illinois, N.D.

Rhone v. Med. Bus. Bureau, LLC, 2018 U.S. Dist. LEXIS 188433 (N.D. E.D. Ill., Apr. 27, 2018) (Court used current Survey Report to reduce movants' requested rates, noting a lack of evidence to exceed average rates in Survey Report) (2015-2016 Survey Report, FDCPA, Credit Rights case, \$315 @ 2 years; \$415 @ 25 years; \$352 @ 3 years; granted \$38,549).

In re Sears, Roebuck & Co. Front-Loading Washer Prods. Liab. Litig., 2018 U.S. Dist. LEXIS 130505, 2018 WL 3707804 (N.D. E.D. Ill., August 3, 2018) (2015-2016 Survey Report, in MDL Warranty Class Action case, on remand Court sought out and applied current Survey Report to establish applicable hourly rates of \$500 top \$725 for appeal and fee motion in *In re Sears*, 867 F.3d 791, \$496,746 granted).

In re Sears, Roebuck and Co. Front-loading Washer Products Liability Litigation, 2016 U.S. Dist. LEXIS 124235, 2016 WL 4765679 (N.D. E.D. Ill., Sept. 13, 2016) (2013-2014 Survey Report, in MDL Warranty Class Action case, Court sought out and applied current Survey Report to establish hourly rates, \$4,770,834 granted) (reversed and remanded with instructions to award fees of \$2,700,000, *In re Sears*, 867

F.3d 791, 2017 U.S. App. LEXIS 15034, CCH Prod. Liab. Rep. P20,130, 2017 WL 3470400) (Aug. 14, 2017).

Fricano v. LVNV Funding, LLC, 2015 U.S. Dist. LEXIS 121654, 2015 WL 5331711 (N.D. E.D. Ill., Sept. 8, 2015) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$21,910 granted).

Reid v. Unilever United States, Inc., 2015 U.S. Dist. LEXIS 75383, 2015 WL 3653318 (N.D. E.D. Ill., Jun. 10, 2015) (2010-2011 Survey Report, in Warranty Class Action and Illinois Consumer Fraud Act case, \$1,503,285 granted).

Decker v. Transworld Systems, Inc., 2009 U.S. Dist. LEXIS 78987, 2009 WL 2916819 (N.D. W.D. Ill., Sept. 1, 2009) (2007 Survey Report, in FDCPA, Credit Rights case, \$1,625 granted).

Vahidy v. Transorld Systems, Inc., 2009 U.S. Dist. LEXIS 78984, 2009 WL 2916825 (N.D. W.D. Ill., Sept. 1, 2009) (2007 Survey Report, in FDCPA, Credit Rights case, \$1,625 granted).

Illinois, S.D.

Anderson v. Specified Credit Ass'n, 2011 U.S. Dist. LEXIS 62410, 2011 WL 2414867 (S.D. Ill., Jun. 10, 2011) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,617 granted).

Indiana, N.D.

Maloy v. Stucky, 2018 U.S. Dist. LEXIS 211571, 2018 WL 6600082 (N.D., Ind., Fort Wayne Div., Dec. 14, 2018) (2010-2011 Survey Report, in FDCPA, Credit Rights, Class Action case, \$25,000 granted) (\$318 @ 6 years; \$318 @ 7 years; \$263 @ 5 years; \$250 @ 1 year; \$250 @ 3 years).

Bratton v. Thomas Law Firm PC, 943 F. Supp. 2d 897, 2013 U.S. Dist. LEXIS 64080, 2013 WL 1891364 (N.D., Ind., Fort Wayne Div., May 3, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,012 granted).

Moore v. Midland Credit Managemet, Inc., 2012 U.S. Dist. LEXIS 176600, 2012 WL 6217597 (N.D. Ind., Dec. 12, 2012) (2010-2011 Survey Report, in FDCPA, Credit

Rights case, \$4,940 granted).

Louisiana, M.D.

Alonso v. Westcoast Corp., 2017 U.S. Dist. LEXIS 154866, 2017 WL 4176973 (M.D. LA, Sept. 21, 2017) ([Year not stated] Survey Report, in Prompt Payment Act case, \$130,517 granted) (\$340 @ 33 years; \$300 @ 13 years).

Maine

Traci H. v. Berryhill, 2018 U.S. Dist. LEXIS 214988, 2018 WL 6716693 (Dist. Maine, Dec. 21, 2018) (finding requested paralegal rate not out of line with Survey Report) (2015-2016 Survey Report, in Social Security case, \$6,730 granted) (\$198 @ 41 Years) (\$198 @ 4 Years). (request for paralegal rate of \$110, Court adopted paralegal rate of \$105 instead of Survey Report rate of \$110, with note by Court that Survey Report lacked detail on quantity of paralegal data per state) (Editor's Note: current Survey Report provides attorney and paralegal participant quantity data).

Rosemary C. v. Nancy A. Berryhill, 2018 U.S. Dist. LEXIS 213329, 2018 WL 6634348 (D. Maine, Dec. 19, 2018) (2015-2016 Survey Report, in Social Security Disability case, \$3,051 granted) (\$198 @ 41 Years; \$198 @ 3 Years) (request for two paralegal rates of \$100 and \$110, Court adopted paralegal rate of \$105 instead of Survey Report rate of \$110, with note by Court that Survey Report lacked detail on quantity of paralegal data per state) (Editor's Note: current Survey Report provides attorney and paralegal participant quantity).

Buck S. v. Berryhill, 2018 U.S. Dist. LEXIS 213330, 2018 WL 6634347 (D. Maine, Dec. 19, 2018)) (2015-2016 Survey Report, in Social Security Disability case, \$4,299 granted) (\$198 @ 41 years; \$198 @ 4 Years) (request for paralegal rate of \$110, Court adopted paralegal rate of \$105 instead of Survey Report rate of \$110, with note by Court that Survey Report lacked detail on quantity of paralegal data per state) (Editor's Note: current Survey Report provides attorney and paralegal participant quantity data).

Michigan, E.D.

Croft v. L.C. Maxwell & Assocs., 2019 U.S. Dist. LEXIS 9592, 2019 WL 275933 (E.D. S.D. Mich., Jan. 22, 2019) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$5,168 granted) (\$250 @ 26 years, \$250 @ 4 years; \$125 and \$100 paralegals).

Green v. Nationwide Arbitration Servs., LLC, 2017 U.S. Dist. LEXIS 216557, 2017 WL 7211136 (E.D. S.D. Mich., Dec. 22, 2017) (2015-2016 Survey Report, in FDCPA, Credit Rights Contempt case, \$13,550 granted) (\$233 @ 1 Year; \$450 @ 24 years; \$100-125 paralegal).

Burrows v. Joe Hunt; Rawlins & Rivera, Inc., 2012 U.S. Dist. LEXIS 16073, 2012 WL 424869 (E.D. N.D. Mich., Jan. 9, 2012) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$5,003 granted).

Minnesota

Heroux v. Callidus Portfolio Mgmt., 2019 U.S. Dist. LEXIS 1041, 2019 WL 92728 (D.C. Minn., Jan. 3, 2019) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$22,946 granted) (\$400 @ 23 years).

Price v Midland Funding LLC, et al, 2018 U.S. Dist. LEXIS 178175, 2018 WL 5259291 (D.C. Minn., Oct. 22, 2018) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$6,080 granted) (\$400 @ 20 Years).

Green v BMW of North American, LLC, 2013 WL 9862198 (4th Jud. Dist. Hennepin Co., Minn., Nov. 20, 2013) (2007 Survey Report in vehicle warranty breach case, \$221,499 granted, reduced to \$110,332 on appeal, at 2014 WL 5800412).

Missouri, E.D.

Breeden v. Consumer Adjustment Co., Inc., 2019 WL 1518185 (E.D. Missouri, Apr 8, 2019) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$9,120 granted) (\$300 @ 4 Years; \$100 Paralegal).

Morgan v. Vogler Law Firm, P.C., 2018 U.S. Dist. LEXIS 203969, 2018 WL 6304869 (E.D. Dist. Missouri, Dec. 3, 2018) (“The Court nonetheless notes that counsel has fewer than five years' experience in prosecuting actions like these, and counsel produced no affidavits with information regarding hourly rates commanded by St. Louis-area attorneys prosecuting FDCPA actions.”) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$300 @ 6 years; \$300 @ 13 years, \$61,890 granted).

Davis v. Fid. Info. Corp., 2018 U.S. Dist. LEXIS 199416, 2018 WL 6171438 (E.D. E.D. Missouri, Nov. 26, 2018) (movant requested fees with no supporting affidavit or

evidence except for the 2015-2016 Survey Report resulting in court denied “in the absence of additional supporting documentation...” which was subsequently provided and the motion granted with no statement of hourly rate allowed. See *Davis v. Fid. Info. Corp.*, 2018 U.S. Dist. LEXIS 207761, E.D. E.D. Missouri, Dec. 10, 2018) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$11,515 granted).

Cohen v. RSH & Assocs., LLC, 2014 U.S. Dist. LEXIS 18296, 2014 WL 562729 (E.D. Missouri, Southeastern Div., Feb. 13, 2014) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$3,129 granted).

Missouri, W.D.

Stallsworth v. Mars Petcare US Inc., 2018 U.S. Dist. LEXIS 77283, 2018 WL 2125950 (W.D., Missouri, Central Div., May 8, 2018) (2013 Survey Report, in FCRA, Credit Rights case, \$32,900 granted) (\$450 @ 5 years).

Stallsworth v. Staff Mgmt., 2018 U.S. Dist. LEXIS 77282, 2018 WL 2125952 (W.D., Missouri, Central Div., May 8, 2018) (2013 Survey Report, in FCRA, Credit Rights case, \$13,415 granted) (\$450 @ 5 years).

Pineda v. P&B Capital Group, LLC, 2011 U.S. Dist. LEXIS 145637, 2011 WL 6356866 (W.D. Missouri, Dec. 19, 2011) (2008-2009 Survey Report, in FDCPA, Credit Rights case, \$2,932 granted).

Nebraska

Murray v. Collections Acquisitions, LLC, 2012 U.S. Dist. LEXIS 92044, 2012 WL 2577211 (D. Neb, July 3, 2012) (2007 Survey Report, in FDCPA, Credit Rights case, \$3,422 granted).

Nevada

Mandler v. Colvin, 2016 U.S. Dist. LEXIS 16226, 2016 WL 526217 (D. Nev., Feb. 9, 2016) 2010-2011 Survey Report, in EAJA Social Security case, \$7,831 granted).

Silver State Broad., LLC v. Beasley FM Acquisition, 2015 U.S. Dist. LEXIS 34032, 2015 WL 1186461 (D. Nev. Mar. 16, 2015) (2010-2011 Survey Report, in Discovery Sanction case, \$9,885 granted).

Feely v. Carrington Mortg. Services., LLC, 2014 U.S. Dist. LEXIS 161626, 2014 WL 6388788 (D. Nev., Nov. 14, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$9,972 granted).

Schneider v. Social Security Administration, 2014 U.S. Dist. LEXIS 119553, 2014 WL 4251590 (D. Nev., Aug. 27, 2014) (2010-2011 Survey Report, in EAJA Social Security case, \$4,146 granted).

New Jersey

Piccinetti v. Clayton, 2018 U.S. Dist. LEXIS 183611, 2018 WL 5313919 (D. NJ, Oct. 26, 2018) (“While Defendants ask the Court to rely on the CLS fee schedule [Community Legal Services of Philadelphia], instead, the Court finds the CLA report [2015-2016 United States Consumer Law Attorney Fee Survey Report] to be a better benchmark.” (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$22,825 granted) (\$400 @ 8 Years; \$350 @ 5 years).

Doyle v. Midland Credit Management, Inc., 2017 U.S. Dist. LEXIS 215290, 2017 WL 6944789 (D. NJ, Dec. 1, 2017) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$11,594 granted) (\$361 @ 8 Years; \$467 @ 26 Years).

Swiatek v. Bemis Co., 2015 U.S. Dist. LEXIS 11006, 2015 WL 420014 (D.C. N.J., Jan. 30, 2015) (2010-2011 Survey Report, in Disability Discrimination case, \$221,905 granted).

Bukowski v. Kia Motors America, Inc., 2014 WL 5113759, (N.J. Super.L., Sept. 4, 2014) (noting that rejection of the [Year not stated] Survey Report and the Laffey Matrix by *Williams v. NCO Fin. Sys.*, 2011 U.S. District LEXIS 50635 (E.D. Pa. May 10, 2011) and that Pennsylvania federal court cases were not binding on it, the Court in this Lemon Law, Vehicle Litigation, Magnuson Moss Warranty case awarded the full hourly rates requested, \$22,278 granted).

Whitt v. Receivables Performance Mgmt., LLC, 2012 U.S. Dist. LEXIS 143120 (D. N.J., Jul. 18, 2012) (2011 Survey Report, in FDCPA, Credit Rights case, \$2,835 granted).

Perez v. Midland Funding LLC, 2011 U.S. Dist. LEXIS 126404, 2011 WL 5156869 (D. N.J., Aug. 11, 2011) (2008-2009 Survey Report, in FDCPA, Credit Rights case,

\$9,559 granted).

North Carolina, E.D.

LaFountain, Jr v. Paul Benton Motors of North Carolina, LLC, 2010 U.S. Dist. LEXIS 121631, 2010 WL 4457057 (E.D. N.C., Nov. 5, 2010) (2007 Survey Report, in Vehicle Litigation, Warranty, Udap case, \$3,340 granted).

Ohio

Bales v. Forest River, Inc., 2019-Ohio-4160, 2019 Ohio App. LEXIS 4234, 2019 WL 5079626 (C.A. 8th App Dist, Cuyahoga Co, Oct. 10, 2019 (2015-2016 Survey Report, in Vehicle Warranty, Udap, Commercial Code case, \$40,995.35 granted, (\$350 @ 40 years, \$275 @ 14 years, \$175 @ 3 years, \$125 paralegal).

Davenport v A-Z Motors LLC, (Unreported, Franklin Co CP, Final Judgment Entry, Jan. 30, 2019; Magistrate's Decision Jan 22, 2019) (2015-2016 Survey Report, in Vehicle Warranty, Udap, Fraud, Commercial Code case, \$6,970 granted) (\$425 @ 14 years).

Fabish v. Harnak, 2015-Ohio-4777, 2015 Ohio App. LEXIS 4671, 2015 WL 7357189 (C.A. 5th App Dist, Delaware Co, Nov. 19, 2015) (use of Survey Report upheld on appeal) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$25,081 granted).

Adam Beverly v. Student Loan Relief Organization LLC (Unreported, Huron Co CP, Final Judgment Entry, May 12, 2015; see *National Collegiate Student Loan Trust 2003-1*, 2014-Ohio-4346, 2014 WL 4824355, Sept. 30, 2014, for related case) ([year not stated] Survey Report, in Student Loan case).

Ohio, N.D.

In re Sonic Corp. Customer Data Sec. Breach Litig., 2019 U.S. Dist. LEXIS 135573, 2019 WL 3773737 (N.D. Ohio, August 12, 2019) (2015-2016 Survey Report, in Security Breach Class Action, \$1,297,500 granted).

Mohn v. Goll, 2016 U.S. Dist. LEXIS 43866, 2016 WL 1258578 (N.D. E.D. Ohio, Mar. 31, 2016) (where the fee opponent proposed its use of the Ohio State Bar Ass'n fee

survey, the Court negatively noted, at fn 6, the State Bar similar survey to be based on “a very small number of the relevant lawyers” in the jurisdiction at issue) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$19,427 granted).

Ball v. Comm'r of Soc. Sec., 2013 U.S. Dist. LEXIS 129924 (N.D. E.D. Ohio, Aug. 12, 2013) (2011 Survey Report, in EAJA Social Security Disability Benefits case, \$4,765 granted); Mag. J. Decision Adopted, *Ball v. Comm'r of Soc. Sec.*, 2013 U.S. Dist. LEXIS 129922, 194 Soc. Sec. Rep. Service Sep. 11, 2013 WL 4874092.

Coy v. Astrue, 2013 U.S. Dist. LEXIS 50328, 2013 WL 1411137 (N.D. E.D., Ohio, Apr. 8, 2013 (movant cited 2010-2011 Survey Report and three other sources in support of request for upward departure from statutory hourly rate cap in social security disability case) (2010-2011 Survey Report, in EAJA Social Security case, \$4,828 granted).

Jablonski v. Portfolio Recovery Assocs., 2012 U.S. Dist. LEXIS 59734, 2012 WL 1552462 (N.D. W.D., OH, April 30, 2012) (citing *Livingston v. Cavalry Portfolio Services, LLC*, 2009 U.S. Dist. LEXIS 113274, 2009 WL 4724268 (N.D. Ohio, Dec. 2, 2009)) (2007 and 2010-2011 Survey Reports, in FDCPA, Credit Rights case, \$3,948 granted).

Livingston v. Cavalry Portfolio Services, LLC, 2009 U.S. Dist. LEXIS 113274, 2009 WL 4724268 (N.D. Ohio, Dec. 2, 2009), Mag. J. Decision Adopted (2007 Survey Report, in FDCPA, Credit Rights case, \$2,951 granted).

Livingston v. Cavalry Portfolio Servs., LLC, 2009 U.S. Dist. LEXIS 113240, 2009 WL 4724268 (N.D. E.D., Sep. 8, 2009) (2007 Survey Report, in FDCPA, Credit Rights case, \$2,951 granted).

Ohio, S.D.

Morse v. Specialized Loan Servicing, LLC, 2018 U.S. Dist. LEXIS 60791, 2018 WL 549372 (D.C. S.D. E.D. Ohio, January 25, 2018) (Ohio State Bar Association “Economics of Law Practice in Ohio in 2013” survey report not used for failing to account for experience level and geographical location data) (2015-2016 Survey Report not admitted into evidence due to failure to follow local rule but testimony allowed, in Vehicle Warrant case, \$27,754 granted).

Flaherty v. Portfolio Recovery Associates, LLC (Unreported, S.D. E.D. Ohio, Order, Oct. 30, 2017, Case No. 2:16-cv-00085) (2015-2016 Survey Report, in FDCPA, Credit Rights case, \$375 @ 12 years; \$20,600 granted).

Simpson v. Comm'r of Soc. Sec., 2014 U.S. Dist. LEXIS 10875, 2014 WL 794753 (S.D. E.D. Ohio, Jan. 29, 2014) (2010-2011 Survey Report, in EAJA, Social Security Disability case, \$7,392 granted).

Wamsley v. Kemp Creditors Interchange Receivables Mgmt., LLC, 2010 U.S. Dist. LEXIS 48454, 2010 WL 1610734 (S.D. E.D. Ohio, Apr. 20, 2010) (“Surveys conducted according to accepted principals are routinely admitted.”) (using both the national Survey Report and the regional Survey Reports) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$3,751 granted).

Paris v. Regent Asset Mgmt Solutions, Inc., 2010 U.S. Dist. LEXIS 106183, 2010 WL 3910212 (S.D. W.D. Ohio, Oct. 5, 2010) (2007 Survey Report, in FDCPA, Credit Rights case, \$4,053 granted).

Oregon

Kersten v. Quick Collect, Inc., 2015 U.S. Dist. LEXIS 58407, 2015 WL 1931137 (D. Ore., Apr. 27, 2015) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$23,702 granted).

Pennsylvania

Blackhawk Pine Retail v. V., 2016 Pa. Dist. & Cnty. Dec. LEXIS 17408 (Pa. C.P., Allegheny Co, Civil Div., Jun. 22, 2016) (2013-2014 Survey Report, in Lease Guarantee Contract case, \$95,791 granted).

Dibish v. Ameriprise Fin. Servs., 2015 Pa. Dist. & Cnty. Dec. LEXIS 432, *17-18, 2016 WL 638776 (Pa. C.P., Allegheny Co, Civil Div., Mar. 23, 2015) (“The most objective document, and therefore what I considered most important in my analysis, was the “United States Consumer Law Attorney Fee Survey Report 2010-2011””) (2010-2011 Survey Report, in Fraud, Unfair Trade Practices and Consumer Protection Law case, \$25,000 granted).

Pennsylvania, E.D.

Lindenbaum v. NCO Fin. Sys., 2011 U.S. Dist. LEXIS 78069, 2011 WL 2848748 (E.D. Pa., Jul. 18, 2011) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$4,066 granted).

Rivera v. NCO Fin. Sys., Inc., 2011 U.S. Dist. LEXIS 82419, (E.D. Pa., May 2, 2011) ([Year not stated] Survey Report, in FDCPA, Credit Rights case, \$4,933 granted).

Pennsylvania, W.D.

Murphy v. Ability Recover Servs., LLC, 2019 U.S. Dist. LEXIS 133667, (W.D. Pa., Aug. 7, 2019) (applicant must show prevailing rates in the relevant community; state-wide and regional state survey rates are not the relevant community rates specific to metropolitan Erie, PA) (Editor's Note: current Survey Report edition includes Erie metro area among 157 greater metropolitan areas now covered by the survey).

Bower v. NRA Grp., LLC, 2019 U.S. Dist. LEXIS 121150, 2019 WL 3306515 (W.D. Pa., July 22, 2019) (2015-2016 Survey Report, in FDCPA case, \$2,971 granted) (\$300 @ 9 years; \$50 paralegal).

Pennsylvania, U.S. Court of Federal Claims

Twerdok v. Secretary of Health and Human Services, 2016 U.S. Claims LEXIS 1853, 2016 WL 7048036, U.S. Court of Federal Claims, Office of Special Masters, Aug. 4, 2016 (Survey Report held helpful in determining Erie, PA, hourly rate for attorney fee award under National Vaccine Injury Compensation Program, the Vaccine Act, and comparing Erie and Hershey, PA, hourly rates) (2013-2014 Survey Report, in Vaccine Act case, \$14,505 granted).

South Carolina

Hutchison v. Lenders Portal Direct, LLC, 2018 U.S. Dist. LEXIS 110639, 2018 WL 3241255 (D. S.C., Florence Div., Jul. 3, 2018) (2015-2016 Survey Report, in Udap and Fraud case, \$11,342 granted) (\$400 @ 24 Years; \$275 @ 30 Years).

Green v. Momentum Motor Grp., LLC, 2018 U.S. Dist. LEXIS 122, 2018 WL 259091 (D. So. Carolina, Rock Hill Div., Jan. 2, 2018) (Full amount of fees granted) (2015-2016 Survey Report, in case, \$7,400 granted) (\$400 @ [Years not stated]; \$275 @ [Years not stated]).

Companion Life Ins Co v. McCreary, et al, 2016 U.S. Dist. LEXIS 172433, 2016 WL 7115910 (D. So. Carolina, Columbia Div., Nov. 22, 2016) (Survey Report supported requested hourly rates in insurance policy proceeds dispute) (full amount of fees granted) (2013-2014 Survey Report, in Insurance Benefits case, \$6,492 granted).

Tennessee, E.D.

Pierson v. Gregory J. Barro, PLC, 2012 U.S. Dist. LEXIS 67163, 2012 WL 1670549 (E.D. Tenn., Knoxville Div., May 14, 2012) “the mere fact that attorneys confer with one another does not automatically constitute duplication of efforts” (2007 Survey Report, in FDCPA, Credit Rights case, \$2,056 granted).

Tennessee, M.D.

McCutcheon v. Finkelstein Kern Steinberg & Cunningham, 2013 U.S. Dist. LEXIS 121460, 2013 WL 4521016 (M.D. Tenn., Nashville Div., Aug. 27, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$8,57 granted).

Texas, S.D.

Szijarto v. Farias, 2014 U.S. Dist. LEXIS 17406, 2014 WL 555122 (S.D. Tex., Feb. 12, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$20,134 granted).

Texas, W.D.

Campos v. Tolteca Enterprises, Inc., 2015 WL 13802511 (W.D. Tex., San Antonio Div., Dec. 4, 2015) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$6,907 granted).

U.S. Virgin Islands

United States Postal Serv. Fed. Credit Union v. Edwin, 2018 U.S. Dist. LEXIS 31532, 2018 WL 1077291 (D. Virgin Islands, St. Croix Div., Feb. 27, 2018) (The Court in this fee-shifting mortgage case sought out and considered the Consumer Price Index Data, an article by Altman Weil, the *2015-2016 U.S. Consumer Law Attorney Fee Survey Report*, and a Florida Bar Survey and approved the requested hourly rates) (2015-2016 Survey Report, in Foreclosure, Mortgage case, \$6,558 granted) (\$325 @ 40

Years; \$250 @ 8 years).

Washington

Merino v. The State of Washington, et al, 2014 WL 12679683 (Wash.Super., Aug. 22, 2014) (2010-2011 Survey Report, in Disability Benefits case, \$27,180 granted).

Washington, E.D.

Adsit v. Dundrum, LLC, 2019 WL 1270937 (E.D. Wash., Mar. 29, 2019) (2015-2016 Survey Report [2017 update], in Class Action, Credit Rights case, \$30,234 granted) (\$375 @ 11 Years; \$125 paralegal).

Washington, W.D.

Rodriguez v. Nancy A. Smith & Assocs., 2012 U.S. Dist. LEXIS 151719, 2012 WL 5207545 (W.D. Wash., Oct. 22, 2012) (noting the Survey Report did not break rates down by state, the Court held the 2010-2011 Survey Report “provides some guidance but is not conclusive”) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,434 granted) (Editor’s Note: current Survey Report edition contains geographic data for every state and 157 major U.S. metropolitan areas).

West Virginia, S.D.

Pearson v. Prichard's Excavating & Mobile Home Transp., 2014 U.S. Dist. LEXIS 16089, 2014 WL 534221 (S.D. W.Va., Huntington Div., Feb. 10, 2014) (2010-2011 Survey Report, in Sanctions for Defendant’s Dilatory Conduct case, \$5,225 granted).

Koontz v. Wells Fargo N.A., 2013 U.S. Dist. LEXIS 45509, 2013 WL 1337260 (S.D. W. Va. Charleston Div., Mar. 29, 2013) (2010-2011 Survey Report, in WV Consumer Credit law and Mortgage law case, \$24,784 granted).

Harmon v. Virtuoso Sourcing Group LLC, 2012 U.S. Dist. LEXIS 129770, 2012 WL 4018504 (S.D. W. Va., Charleston Div., Sept. 12, 2012) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$2,411 granted).

Wisconsin

Wilbrandt v. Chase Auto Fin. Corp., 2014 Wisc. App. LEXIS 150, 2014 WI App 38, 353 Wis. 2d 304, 844 N.W.2d 665, 2014 WL 700453 (C.A., Milwaukee Co., Feb. 25, 2014) (in affirming the trial court fee decision based on the 2008-2009 Survey Report, the Court of Appeals noted the hourly rate awarded by the trial court was in line with the 2010-2011 Survey Report which it described as “more relevant than the other two surveys,” i.e., the Laffey Matrix and the National Law Journal Billing Survey) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$107,470 granted).

Wisconsin, E.D.

Spuhler v. State Collection Servs., 2019 U.S. Dist. LEXIS 85318, 2019 WL 2183803 (E.D. Wisc., May 21, 2019) (2015-2016 Survey Report, in FDCPA case, \$80,000 granted) (\$300 @ 12 Years; \$220 @ 8 Years; \$350 @ 25 Years),

Strohbehn v. Weltman Weinberg & Reis Co. LPA, 2018 U.S. Dist. LEXIS 71058, 2018 WL 1997989 (E.D. Wisc., Apr. 27, 2018) (the Court noted that “Another helpful source for appropriate fee rates” is the 2015-2016 Survey Report) (2015-2016 Survey Report, in FCRA, FDCPA, Credit Rights case, \$46,680 granted) (\$300 @ 12 Years; \$220 @ 6 Years).

Heling v. Creditors Collection Serv., 2017 U.S. Dist. LEXIS 89693, 2017 WL 2539785 (E.D. Wisc., Jun. 12, 2017) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$36,190 granted) (\$450 @ 23 Years; \$385 @ 16 Years; \$300 @ 14 Years; \$130, Paralegal).

Andersen v. Riverwalk Holdings Ltd., 2015 U.S. Dist. LEXIS 162403, 2015 WL 7862923 (E.D. Wisc., Dec. 2, 2015) (2013-2014 Survey Report, in FDCPA, Credit Rights case, \$350 hourly rate from Survey Report adopted and granted with movant directed to file accounting of attorney fee records).

Crafton v. Law Firm of Jonathan B. Levine, 2014 U.S. Dist. LEXIS 29690, 2014 WL 907423 (E.D. Wisc., Mar. 7, 2014) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$15,000 granted).

Beach v. LVNV Funding, LLC, 2013 U.S. Dist. LEXIS 162926, 2013 WL 6048989 (E.D. Wisc., Nov. 15, 2013) (2010-2011 Survey Report, in FDCPA, Credit Rights case, \$6,413 granted).

House v. Shapiro & Price, 2011 U.S. Dist. LEXIS 38322, 2011 WL 1219247 (E.D. Wisc., Mar. 30, 2011) (2008-2009 Survey Report, in FDCPA, Credit Rights case, \$2,952 granted).

Moreland v. Dorsey Thornton & Assocs., LLC, No. 10-CV-867, 2011 U.S. Dist. LEXIS 54487, 2011 WL 1980282, *3 (E.D. Wisc., May 20, 2011) (2008-2009 Survey Report, in FDCPA, Credit Rights case, \$3,144 granted).

Suleski v. Bryant Lafayette & Associates, 2010 U.S. Dist. LEXIS 55353, 2010 WL 1904968 (E.D. Wisc., May 10, 2010) (2008-2009 Survey Report, in FDCPA, Credit Rights case, \$2,342 granted).

Wisconsin, WD.

Broome v. Kohn Law Firm, S.C., 2019 U.S. Dist. LEXIS 64025, 2019 WL 1595864 (W.D. Wisc., Apr. 15, 2019) (2015-2016 Survey Report, in FDCPA case, \$22,333 granted) (\$450 @ 31 Years; \$225 @ 2 Years; \$475 @ 18 Years).

US Court of Federal Claims, Office of Special Masters

Twerdok v. Sec'y of HHS, 2016 U.S. Claims LEXIS 1853, 2016 WL 7048036, U.S. Court of Federal Claims, Office of Special Masters, Aug. 4, 2016 (Survey Report held helpful in determining Erie, PA, hourly rate for attorney fee award under National Vaccine Injury Compensation Program, the Vaccine Act, and comparing Erie and Hershey, PA, hourly rates) (2013-2014 Survey Report, in Vaccine Act case, \$14,505 granted).

US Dept of Justice, Executive Office for Immigration Review, Administrative Law

John A. Breda V. Kindred Braintree Hospital, LLC, 11 OCAHO 1225, 2014 OCAHO LEXIS 18, 2014 WL 4390663 (Aug 26, 2014, Chief Administrative Hearing Officer Ellen K. Thomas) ([year not disclosed] Survey Report, in Massachusetts discrimination case, \$2,312 granted).

US Dept of Labor, DOL Benefit Review Board, Administrative Law Judge

Jeanne Johnston V. Hayward Baker, Kemper Ins. Co., et al, (Nov. 16, 2018, DOL Order Awarding Attorney Fees, Dist. Dir. Marco A. Adame II, 18th Comp. Dist.) (“M. Dupree’s submission of affidavits along with the Consumer Law Attorney Fee Survey appear to meet the requirements under *Christensen* and *Van Skike* as they require an examination of the broader legal community when determining the market rate. (Editor’s Note: Mr. Dupree included the Consumer Law Attorney Survey with an explanation from the author explaining why the two areas of law are similar when determining attorney fees.”) (2015-2016 Survey Report, Longshore Act and Harbor Workers’ Compensation Act case, \$575 @ 39 years; \$425 @ 15 years, \$135,728 granted).

Robert Macher v. Jack Gray Transport, Inc., 2018 DOLBRB LEXIS 322 (Oct. 30, 2018, DOL Ben. Rev. Bd., Appeals Judge Hall, Gilligan and Rolfe), (“...the affidavit of Timothy O. Malloy and the Untied States Consumer Law Attorney Fee Survey Report ... substantiate an hourly rate”) (2015-2016 Survey Report, Longshore Act and Harbor Workers’ Compensation Act case, \$350 @ 38 years, \$350 @ 13 years, \$9,450 granted).

Jeanne Johnston V. Hayward Baker and Kemper Ins. Co., et al, 2018 DOLBRB LEXIS 260 (Aug. 29, 2018, DOL Ben. Rev. Bd., Appeals Judge, Boggs, Buzzard and Gilligan), “The case is remanded for the administrative law judge to address the Burdge declaration and the 2015-2016 extract from the U.S. Consumer Law Attorney Fee Survey Report for the relevant community of San Diego.” (2015-2016 Survey Report, in Longshore and Harbor Workers’ Compensation Act case).

Levan Robert M. V. Knight Hawk Coal LLC Dir.-OWCP (DOL OALF Dec., Aug. 7, 2018) (2015-2016 Survey Report).

Wilson Mary L. OBO Ronald D. Wilson v. The American Coal Company (DOL OALJ Dec., Aug 7, 2018) (2015-2016 Survey Report).

Phyllis Mathews V. Navy Exchange Service Command, 2018 WL 1292722 (Feb. 15, 2018, DOL Ben. Rev. Bd., Chief Administrative Appeals Judge, Boggs and Rolfe). (2013-2014 Survey Report, in Longshore and Harbor Workers' Compensation Act case, \$17,617 granted).

Brock Roy v Manalapan Mining Co. Dir.-OWCP (DOL OALJ Dec., Dec. 6, 2017) (2015-2016 Survey Report).

American Arbitration Association

In the Matter of the Arbitration Between [Claimant] V. [Respondent] (Automotive Dealers and Gasoline Service Stations), 2016 AAA Consumer LEXIS 207 , 2016 WL 5105956 (Jul. 29, 2016) (2013-2014 Survey Report, in Vehicle “Autofraud” case, \$36,827 granted).

Commonwealth of Virginia Orders

VA Orders 2016-21 (Jul. 13, 2016), Judicial Counsel of Virginia, Recommendations of the Standing Committee on Commissioners of Accounts of the Judicial Council of Virginia regarding changes to the existing Uniform Fee Schedule Guideline for Commissioners of Account, Dec. 9, 2015 Report (2014 Survey sections attached as Exhibit D).

Law Reviews and Other Secondary Materials Citing Survey Report

132 A.L.R.Fed. 477, *Award of Attorneys’ Fees under 813(a)(3) of Fair Debt Collection Practices Act* (15 U.S.C.A. 1692k(a)(3)), Dec. 21, 2018, by Robert F. Koets, J.D.

71 Vand. L. Rev. 121, *Vanderbilt Law Review*, Jan. 2018, *Administration: Gatekeeping Consumer Contracts*, by Yonathan A. Arbel.

20 N.Y.U.J. Legis. & Pub. Pol’y 375, *NYU Journal of Legislation and Public Policy* 2017, *Tipping the Scales of Justice: the Role of the Nonprofit Sliding Scale Law Firm in the Delivery of Legal Services*, by Prof. Mitch, University of Wisc. Law School.

2016 TXCLE *Advanced Consumer & Commercial Law* 17, 2016, *Attorney Fees in Federal Court*, State Bar of Texas, by Prof. Mark E. Steiner, Hon. Andrew W. Austin and Richard Tomlinson.

22 Va. J. Soc. Pol’y & L. 71, *Virginia Journal of Social Policy and the Law*, Winter 2015, *Bridging the Gap Between Unmet Legal Needs and an Oversupply of Lawyers: Creating Neighborhood Law Offices--the Philadelphia Experiment*, by Jules Lobel and Matthew Chapman.

10 No. 26 Westlaw Journal Bankruptcy 6, Apr. 24, 2014, Thomson Reuters, *Missouri Federal Judge Cuts FDCPA Fee Demand*

61 Drake L. Rev. 639, Drake Law Review 2013, *DÉJÀ VU All over Again: Turner V. Rogers and the Civil Right to Counsel*, by Hon. David J. Dreyer.

63 Am. U. L. Rev. 87, American University Law Review, Oct. 2013, *Duke-ing out Pattern or Practice after Wal-mart: the EEOC As Fist*, by Angela D. Morrison.

18 Harv. Negot. L. Rev. 281, Harvard Negotiation Law Review, Spring 2013, *Renovating the Multi-door Courthouse: Designing Trial Court Dispute Resolution Systems to Improve Results and Control Costs*, by Barry Edwards.

15 N.Y.U.J. Legis. & Pub. Pol'y 759, NYU Journal of Legislation and Public Policy 2012, *Collaborative Technology Improves Access to Justice*, by Michael J. Wolf.

Other Experts' Opinions Citing U.S. Consumer Law Attorney Fee Survey Report

Tamara Spikes and Beaumont Independent School District, 2015 WL 2450879 (E.D. Tex., Jan. 6, 2015), Report or Affidavit of Kenneth W. Lewis (Expert Witness) (Civil Rights & Constitutional Law Case).

In Re Southwest Airlines Voucher Litigation, 2014 U.S. Dist. LEXIS 84072, 2014 WL 11115685 (N.D. Ill. Jun. 4, 2014), Declaration by Colin B. Weir (Expert Witness) (Class Action Case).

Wallace v. Florida Dept. Of Education, 2010 WL 9067802 (Fla. Cir. Ct., Jun. 2, 2010), Reply Affidavit of David M. Frank (Expert Witness) (Whistleblower Case).

News Reports Citing Survey Report

Financial Law Reporter, *United States Courts Opinions: Bratton v FCA US LLC*, Oct. 25, 2018.

Newstex Blogs, *7 Ways Practice Management Will Help You Get a Head Start in*

UNITED STATES CONSUMER LAW SURVEY REPORT 2017-2018

2018, Dec. 4, 2017, by Peter Hobbs.

PR Newswire, *California Ranks No. 1 as the Worst State in America to Get a Low-Cost Divorce*, Feb. 3, 2016.

Newsbank - Vermont News Sources, *Vermont among Most Expensive for Divorce*, Feb. 6, 2016.

ASAPII Database, *Keep Calm and Call a Lawyer, or Not; Homestead Business*, Jan. 1, 2014, by Jerri Cook.

Legal Monitor Worldwide, *PA Legal Documents Offers an Alternative to High Legal Fees*, Jun. 11, 2014.

Negative Cases on Survey Report's Use

A listing of cases considering but not expressly using the *U.S. Consumer Law Attorney Fee Survey Report* when deciding attorney fee disputes include those on the following list.

It should be noted that the depth and breadth of this Survey Report has evolved since the survey began in 1999 and the methodologies used in prior editions of this Survey Report were substantially different from the current edition, particularly before 2012. As negative cases were noted, the survey methodology was updated to address each criticism. The result is a far more sophisticated methodology presently in use, which includes the incorporation of fee data drawn from court decisions regardless of their use of the Survey Report. Thus any negative cases using prior reports are likely to be easily distinguishable and reference to them should be with caution.

Arizona

Harris v. Monarch Recovery Holdings, 2014 U.S. Dist. LEXIS 38513, 2014 WL 1245107 (D. AZ, Mar. 23, 2014) (2010-2011 Survey Report lacking in specific survey data for Phoenix, AZ) (Editor's Note: current Survey Report contains specific survey data for this and 157 other major U.S. metropolitan areas).

California

Sanchez v. Saul, 2019 WL 2642511 (E.D. Cal., June 27, 2019) (2013-2014 Survey Report, in EAJA case) (Survey Report statewide rate “fails to show these rates are in line with the prevailing market rate” in this District) (Editor’s Note: current Survey Report contains specific survey data for 157 major U.S. metropolitan areas).

Brown v. Jonathan Neil & Assocs., 2019 U.S. Dist. LEXIS 24455, 2019 WL 636842 (E.D. Cal., Feb. 13, 2019) (2015-2016 Survey Report, in Credit Rights case, \$25,867.50 granted) (court erroneously stated that the Survey Report “does not address the ‘relevant legal community’ here, which is the market within the Fresno Division” and apparently did not realize that the Survey Report actually did do so) (\$300 @ 6 years; \$225 @ 9 years).

Castaneda v. Ocwen Loan Servicing, 2018 U.S. Dist. LEXIS 198852 (C.D. Cal., Nov. 21, 2018) (2015-2016 Survey Report, in Mortgage, FCRA, FDCPA, Credit Rights case, \$77,418 granted) (movant cited two pages of excerpted fee survey without explanation of how they supported request and cited rates from Arizona instead of the relevant Los Angeles community; court used hourly rates requested by 4 movants and reduced one other movant 10% after using awards by movant and its own knowledge of the local legal market) (\$550 at 27 years; \$450 @ 8 years) (Editor’s Note: providing the Court with an adequate explanation of relevant portions of Survey Report is responsibility of fee movant).

Brooks v. Sun Cash of SD, 2018 U.S. Dist. LEXIS 20310, 2018 WL 747795 (S.D. Cal., Feb. 7, 2018) (finding prior edition of Survey Report did not include specific survey data for the district) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas; using current edition of Survey Report is responsibility of fee movant).

Valentin v. Grant Mercantile Agency, Inc., 2017 U.S. Dist. LEXIS 212185, 2017 WL 6604410 (E.D. Cal., Dec. 26, 2017) (following *Fitzgerald v. Law Office of Curtis O. Barnes* and finding prior edition of Survey Report did not include specific survey data for the district) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Munoz v. Cal. Bus. Bureau, Inc., 2017 U.S. Dist. LEXIS 109855, 2017 WL 3009210 (E.D. Cal., Jul. 14, 2017) (finding the 2013-2014 Survey Report did not include specific FDCPA data) (Editor’s Note: current Survey Report edition includes specific survey data for this and other niche areas in the field of Consumer Law).

Forkum v. Co-Operative Adjustment Bureau, Inc., 2014 U.S. Dist. LEXIS 91148, 2014 WL 3101784 (N.D. Cal., Oakland Div., Jul. 3, 2014) (motion denied without prejudice and finding the Laffey Matrix and the 2010-2011 Survey Report insufficient in geographically specific fee data) (refiled motion, adding supporting affidavits and again using 2010-2011 Survey Report, was granted, at 2014 WL 3827955) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Oyarzo v. Tuolumne Fire District, 2014 U.S. Dist. LEXIS 60778, 2014 WL 1747236 (E.D. Cal., Apr. 30, 2014) ((2010-2011 Survey Report not specific to Fresno locality) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Diaz v. Kubler Corp., 2014 U.S. Dist. LEXIS 199581, 2014 WL 12789109 (S.D. Cal., Mar. 26, 2014) (following *Branco v. Credit Collection Servs.*, finding the Survey Report insufficient in geographically specific fee data) (Editor’s Note: current Survey Report contains specific survey data for 157 major U.S. metropolitan areas).

Cuevas v. Check Resolution Servs., 2013 U.S. Dist. LEXIS 189893, 2013 WL 2190172 (E.D. Cal., Aug. 8, 2013) (noting “straightforward issues” in case and inadequate explanation by movant of any factors justifying deviation from the presumptive local hourly rates from prior cases and relying on *Branco v. Credit Collection Servs.*) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas and specific survey data for this and other niche areas in the field of Consumer Law).

Lovett v. Simm Assocs., 2013 U.S. Dist. LEXIS 92495, 2013 WL 3242953 (C.D. Cal., June 25, 2013) (Local Rule 55-3 Fee Schedule followed and 2010-2011 Survey Report not applied in FDCPA case) (Editor’s Note: current Survey Report contains specific survey data for this and other niche areas in the field of Consumer Law).

Broad. Music Inc. v. Antigua Cantina & Grill, LLC, 2013 U.S. Dist. LEXIS 72122, 2013 WL 2244641 (May 21, 2013) (with no explanation of source of hourly rates found applicable, the Court noted “plaintiff has not presented any information on the hourly rate in the Sacramento region for a routine copyright infringement case”, and no explanation of similarities of Copyright Law and Consumer Law, and citing *Branco*) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Fitzgerald v. Law Office of Curtis O. Barnes, 2013 U.S. Dist. LEXIS 53642, 2013 WL 1627740 (E.D. Cal., Apr. 15, 2013) (finding the Laffey Matrix and the 2010-2011 Survey Report insufficient in geographically specific fee data; in conflict with *Davis v. Hollins Law*, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 10-12 (E.D. Cal., Jun. 12, 2014)) (Editor's Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Miranda v. Law Office of D. Scott Carruthers, 2012 U.S. Dist. LEXIS 2866, 2012 WL 78236 (E.D. Cal., Jan. 9, 2012) (finding the 2010-2011 Survey Report insufficient in geographically specific fee data; in conflict with *Davis v. Hollins Law*, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 10-12 (E.D. Cal., Jun. 10, 2014)) (Editor's Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Durham v. Cont'l Cent. Credit, 2011 U.S. Dist. LEXIS 148403, 2011 WL 6783193 (S.D. Cal., Dec. 27, 2011) (finding the 2010-2011 Survey Report insufficient in geographically specific fee data; in conflict with *Davis v. Hollins Law*, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 10-12 (E.D. Cal., Jun. 12, 2014)) (Editor's Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Rubenstein v. National Recovery Agency, Inc., 2012 U.S. Dist. LEXIS 87941, 2012 WL 1425144 (C.D. Cal. Apr. 25, 2012) (finding the 2007 Survey Report unreliable, noting no statement of quantity of participants, expressing suspicion of bias by surveyor and survey participants) (Editor's Note: current Survey Report edition includes statements of participant quantity disclosure and survey's methodology's peer review and approval by National Association of Legal Fee Analysis).

Branco v. Credit Collection Servs., 2011 U.S. Dist. LEXIS 138329, 2011 WL 6003877 (Dec. 1, 2011) (finding data in prior version of Survey Report not specific to District Court) (Editor's Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

C.B. v. Sonora Sch. Dist., 2011 U.S. Dist. LEXIS 112870, 2011 WL 4590775 (E.D. Cal., Sept. 30, 2011) (finding the prior Survey Report insufficient in geographically specific fee data; in conflict with *Davis v. Hollins Law*, 25 F.Supp.3d 1292, 2014 U.S. Dist. LEXIS 81024, 10-12 (E.D. Cal., Jun. 12, 2014)) (Editor's Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Colorado

Howard v. Midland Credit Mgmt., 2012 U.S. Dist. LEXIS 136209, 2012 WL 4359361 (D. Colo., Sept. 24, 2012) (finding the 2010-2011 Survey Report's average hourly rate by itself did not include the effect of degree of concentration or years in practice of fee applicant) (Editor's Note: current Survey Report edition contains specific years in practice data for every state and many major U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

White v. Cavalry Portfolio Servs., LLC, 2012 U.S. Dist. LEXIS 35601, 2012 WL 899280 (D. Colo., Mar. 16, 2012) (finding the 2010-2011 Survey Report's average hourly rate by itself did not include the effect of degree of concentration or years in practice of fee applicant) (Editor's Note: current Survey Report edition contains specific years in practice data for every state and many major U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

Florida, M.D.

Rizzo-Alderson v. Tawfik, 2019 WL 3324298 (M.D. Fla., Ocala Div., July 1, 2019) (finding Survey Report statewide table of hourly rates "not necessarily reflective of reasonable rates in the Ocala area.") (Editor's note: current Survey Report edition contains data for 157 U.S. metropolitan areas but not Ocala, Florida).

Baez v. LTD Fin. Servs., L.P., 2019 U.S. Dist. LEXIS 86949, 2019 WL 2223773 (M.D. Fla., Orlando Div., May 23, 2019) (finding Survey Report "unhelpful" in reliance on *Alston v Summit Receivables*) (\$184,195 fees awarded in FDCPA, Credit Rights case; \$450 @ 19 Yr; \$450 @ 24 Yr; \$450 @ 27 Yr; \$250 @ [Yr not stated]; \$150, Paralegal).

Baez v. LTD Fin. Servs., L.P., 2019 WL 2210687 (M.D. Fla., Orlando Div., Feb 26, 2019) (following *Raimondi v Zakheim & Lavarar, P.A.* (2012) and finding the finding Survey Report "not persuasive") (\$128,870 fees awarded in FDCPA, Credit Rights case) (\$400 @ 19 Yr; \$400 @ 24 Yr; \$400 @ 27 Yr; \$150 @ [Yr not stated]; \$150, Paralegal).

Alston v. Summit Receivables, 2018 U.S. Dist. LEXIS 118978, 2018 WL 3448595 (M.D. Fla., Orlando Div., Jun 27, 2018 (citing *Raimondi*, finding reference to Survey Report's "regional hourly rate" to be insufficient evidence of prevailing hourly rate in the relevant community, i.e., the District, in this "straight forward FDCPA and FCCPA case;" affidavits of counsel of record alone are insufficient; no local precedent for requested

hourly rates; survey data based on voluntary reporting; also finding, however, that “the survey may be considered in determining a reasonable hourly rate”) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas, and includes specific survey data for this and other niche areas in the field of Consumer Law, and includes all reported Consumer Law fee decision data in United States during the survey period).

Font v NCO Financial Systems, Inc., 2012 WL 13129967 (S.D., Fla., May 16, 2012) (2007 Survey Report use declined, noting, perceived issues, including report being 5 years old) (Editor’s Note: current Survey Report includes sample size information and revised methodology and explanation).

Penny v. Williams & Fudge, Inc., 2012 U.S. Dist. LEXIS 4567, 2012 WL 13102292 (M.D. Fla., Jan. 5, 2012) (2010-2011 Survey Report not specific as to local community, citing *Sheeley* and *Selby*) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Schoonover v. Receivables Performance Mgmt., 2011 U.S. Dist. LEXIS 154825 (M.D. Fla., Tampa Div., Nov. 9, 2011) (citing *Selby*, finding 2007 Survey Report to be insufficient evidence of prevailing hourly rate in the relevant legal community, in this “routine, straightforward FDCPA action,” and adopting previously awarded hourly rates) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas, and includes specific survey data for this and other niche areas in the field of Consumer Law).

Rubio v. FMS, Inc., 2011 U.S. Dist. LEXIS 154822 2011 WL 13298613 (M.D. Fla., Orlando Div., Apr. 26, 2011) (citing *Selby* and *Sheeley* and *Jennifer Morua v. United Recovery Systems, Inc.*, Case No. 6:10-cv-296-Orl-19-GJK (unreported), finding case to be a “routine, straightforward FDCPA action,” prior version of survey not specific to case locality, hourly rate evidence insufficient, and no precedent awarding the requested hourly rates) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Raimondi v. Zakheim & Lavrar, P.A., 2012 U.S. Dist. LEXIS 55590, 2012 WL 1382255 (M.D. Fla., Orlando Div., Apr. 5, 2012) (citing *Selby* and *Sheeley*, finding use of fifteen professionals to pursue case was not necessary in this “straightforward debt collection act suit,” prior version of survey not specific to case locality and hourly rate evidence insufficient) (Editor’s Note: current Survey Report contains specific survey

data for this and 157 major U.S. metropolitan areas).

Schoonover v. Receivables Performance Mgmt., 2011 U.S. Dist. LEXIS 154825 (M.D. Fla., Tampa Div., Nov. 9, 2011) (citing *Selby*, finding use of 2007 Survey Report insufficient to satisfy burden of demonstrating reasonableness or case locality of hourly rates requested, case to be a “routine, straightforward FD CPA action,” and lack of evidence of attorney experience) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Morua v. United Recovery Systems, Inc., 2011 WL 13323083 (M.D. Fla., Orlando Div., Apr. 27, 2011) (following *Sheeley v. Advanced Check Processing*) (Editor’s Note: current Survey Report contains specific data for this and 157 major U.S. metropolitan areas).

Cook v. Law Offices of Forster & Garbus, 2010 U.S. Dist. LEXIS 125604, 2010 WL 4941439 (M.D., Fla., Orlando Div., Nov. 3, 2010) (2007 Survey Report did not provide data on locality of hourly rates) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Sheeley v. Advanced Check Processing, 2010 U.S. Dist. LEXIS 117760, 2010 WL 4569868 (M.D. Fla., Jacksonville Div., Sept. 13, 2010) (citing *Selby v. Christian Nicholas & Assocs.*, where same law firm appeared, finding prior version of Survey Report and mere reference to it is insufficient to satisfy burden of demonstrating reasonableness or case locality of hourly rates requested, noting no information provided court on attorneys’ experience or expertise, court adopted same rate awarded in *Selby*) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Selby v. Christian Nicholas & Assocs., 2010 U.S. Dist. LEXIS 25053, 2010 WL 745748 (M.D. Fla., Jacksonville Div., Feb. 26, 2010) (finding prior version of Survey Report and mere reference to it is insufficient to satisfy burden of demonstrating reasonableness or case locality of hourly rates requested, noting counsel of record are from Chicago and Los Angeles and failed to provide any other information supporting requested rates) (Editor’s Note: current Survey Report contains specific survey data for this and 157 major U.S. metropolitan areas).

Indiana

Watkins v. Trans Union LLC, 2019 U.S. Dist. LEXIS 12968 (S.D. IN, Terre Haute Div., Jan. 28, 2019) (following *Grubbs* and *Lorik* “because it [the Survey Report] was not used ‘in conjunction with other evidence’”, granting \$10,533 in Discovery Dispute in Credit Rights, FCRA case) (\$ 250 @ 16 years).

Grubbs v. Andrews & Cox, 2016 U.S. Dist. LEXIS 93643, 2016 WL 3902591 (SD Ind., Jul. 18, 2016) (“the Fee Survey is not particularized by subject matter or the ability of the attorney; instead, it averages the rates charged by all attorneys in a particular geographic area.”) (Editor’s Note: current Survey Report edition contains specific years in practice and geographic data for every state and 157 U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

Lorik v. Accounts Recovery Bureau, Inc., 2014 U.S. Dist. LEXIS 39938, 2014 WL 1256013 (S.D. IN, Indianapolis Div., March 26, 2014) (following *Kaylor-Trent v. John C. Bonewicz, P.C.* and expressing doubt on usefulness and “overall reliability” of the 2010-2011 Survey Report) (Editor’s Note: current Survey Report edition contains specific years in practice and geographic data for every state and 157 U.S. metropolitan areas, and statements of participant quantity disclosure and survey’s methodology’s peer review and approval by National Association of Legal Fee Analysis, and specific concentration of practice data for ten large population states).

Illinois

Cooke v. Jackson Nat'l Life Ins. Co., 2018 U.S. Dist. LEXIS 197908, 2018 WL 6067248 (N.D. E.D. Ill., Nov. 20, 2018) (in a breach of insurance contract case, where Laffey Matrix was previously disregarded and “plaintiff presents no evidence that ‘consumer attorneys’ garner hourly rates similar to those of insurance attorneys” 2015-2016 Survey Report and Laffey Matrix were afforded little weight to fee decision) (Editor’s Note: when the case area of practice is outside of Consumer Law, movant should submit evidence of similarities in practice areas to establish hourly rate similarities) (reversed for other reasons at 919 F.3d 1024).

Paz v. Portfolio Recovery Assocs., LLC, 2018 U.S. Dist. LEXIS 191452, 2018 WL 4520221 (D.D. E.D. Ill. May 17, 2018) (following *Farooq* and *Stockman* and noting that time records included other unrelated work and stating “This court finds that Bowse has not provided adequate information to support the claimed hourly rate...” and instead used the hourly rate granted same movants in two similar FDCPA cases that were filed “within weeks of the instant case”) (Editor’s Note: movant submitted only its own

affidavit and Survey Report with no other support; also, current Survey Report edition contains specific years in practice and geographic data for every state and 157 U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

Bowse v. Portfolio Recovery Assocs., LLC, 2017 U.S. Dist. LEXIS 222163 (N.D. E.D. Ill., Nov. 22, 2017) (following *Farooq* and *Stockman* and stating “This court finds that Bowse has not provided adequate information to support the claimed hourly rate...” and instead used the hourly rate granted same movants in two similar FDCPA cases that were filed “within weeks of the instant case”) (Editor’s Note: movant submitted only its own affidavit and Survey Report with no other support; also, current Survey Report edition contains specific years in practice and geographic data for every state and 157 U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

Farooq v. Portfolio Recovery, 2016 U.S. Dist. LEXIS 66180, 2016 WL 2909650 (N.D. Ill., May 19, 2016) (following *Stockman v. Global Credit & Collection Corp.*; noting the survey 2013-2014 results were “not particularized by subject matter or the ability of the attorney”) (Editor’s Note: current Survey Report edition contains specific years in practice and geographic data for every state and 157 U.S. metropolitan areas, and specific concentration of practice data for ten large population states).

Stockman v. Global Credit & Collection Corp., 2015 U.S. Dist. LEXIS 111113, 2015 WL 4999851 (N.D., Ill., Eastern Div., Aug. 21, 2015) (noting differing opinions on use of Survey Report from District Court and stating the Survey Report was “not focused on lawyers who handle cases similar to this one”) (Editor’s Note: current Survey Report edition includes specific survey data for this and other niche areas in the field of Consumer Law).

Kaylor-Trent v. John C. Bonewicz, P.C., 916 F. Supp. 2d 878, 2013 U.S. Dist. LEXIS 3506, 2013 WL 120573 (C.D. Ill., Springfield Div., January 9, 2013) (2010 Survey Report did not report data specific to District) (Editor’s Note: current Survey Report contains specific survey data for this and all U.S. states and 157 U.S. metropolitan areas).

Ochoa v. Mistovich, 2012 U.S. Dist. LEXIS 182419, 2012 WL 6720682 (N.D. E.D., Ill., Dec. 27, 2012) (2010-2011 Survey Report “paints with a very broad brush” and is not specific to Illinois) (Editor’s Note: current Survey Report contains specific survey

data for this and all U.S. states and 157 U.S. metropolitan areas).

Kansas

Wilkinson v. Mann Bracken LLC, Case No. 09-2430, D.C. Kansas, Jan. 21, 2010, (Unreported) (noting 2007 Survey Report aggregated data for the Midwest and was “too broad to be helpful in determining reasonable rates in the Kansas City area.”) (Editor’s Note: current Survey Report contains specific survey data for this and 157 U.S. metropolitan areas).

Louisiana

Martin v. Eaton Law Group Attys., LLC, 2014 U.S. Dist. LEXIS 44778, 2014 WL 1330285 (M.D. LA, Mar. 3, 2014) (prior version of Survey Report did not “speak directly to the proper prevailing rates of this community”) (Editor’s Note: current Survey Report contains specific survey data for this and 157 U.S. metropolitan areas).

Landry v. Caine & Weiner Co., 2013 U.S. Dist. LEXIS 123868, 2013 WL 4591445 (E.D. LA, August 9, 2013) (in a “simple” case where movant’s reference to 2010-2011 Survey Report, rates sought by Illinois, New York, and California attorneys in the locality of New Orleans was found excessive) (Editor’s Note: current Survey Report contains specific survey data for this and all U.S. states and 157 U.S. metropolitan areas).

Maine

Rosemary C. V. Nancy A. Berryhill, 2018 U.S. District LEXIS 213329, 2018 WL 6634348 (D. Maine, December 19, 2019) (using 2015-2016 Survey Report, request for two paralegal rates of \$100 and \$110, Court adopted paralegal rate of \$105 instead of Survey Report rate of \$110, with note by Court that Survey Report lacked detail on quantity of paralegal data per state) (Editor’s Note: current Survey Report provides participant quantity data for both attorneys and paralegals).

Michigan

Firreno v. Radner Law Grp., PLLC, 2017 U.S. Dist. LEXIS 136660, 2017 WL 3675613 (E.D. Mich., Aug. 25, 2017) (using the State Bar of Michigan Report as more applicable to the specific locality at issue) (Editor’s Note: current Survey Report

contains specific survey data for this and 157 U.S. metropolitan areas).

Minnesota

Bell v. Am. Accounts & Advisers, Inc., 2018 U.S. Dist. LEXIS 223645, 2018 WL 6718573 (D. Minn., Nov 15, 2018) (simplicity of a case may alter hourly rate and average hourly rate linked with average years of experience) (Editor's Note: total years in practice and lesser years in niche practice area may be different and yield different hourly rates).

Mayo Foundation for Medical Education & Research, Mayo Clinic, Cerner Corporation, Cerner Corporation v. Dr. Peter L. Elkin, M.D., 540 Fed. Appx. 546, 2014 WL 12527218 (D. Minn., Mar. 19, 2014) (in a statutory trade secret claim case, consumer law survey “ data ‘is of limited probative value’ because it relates to consumer law attorneys in the Midwest region”) (Editor's Note: current Survey Report contains specific survey data for this and 157 U.S. metropolitan areas).

Bankey v. Phillips & Burns, LLC, 2008 U.S. Dist. LEXIS 46075, 2008 WL 2405773 (D. Minn., Jun. 11, 2008) (2007 Survey Report lacked detail on specific market data within the region or for FDCPA area of Consumer Law) (Editor's Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Missouri

Maher v. Barton, 2014 U.S. Dist. LEXIS 45232, 2014 WL 1316936 (E.D. E.D. MO, Apr. 2, 2014) (mentioning 2010-2011 Survey Report and deciding that prevailing market rates did not support the movant's requested hourly rate) (Editor's Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Nebraska

Schommer v. Accelerated Receivable Solutions, 2011 U.S. Dist. LEXIS 86477, 2011 WL 3422775 (D. Neb., Aug. 4, 2011) (prior Survey Report's 11 state analysis is too broad to establish rate in Nebraska) (Editor's Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

New Jersey

Beneli v. BCA Fin. Servs., 2018 U.S. Dist. LEXIS 19191, 2018 WL 734673 (D. N.J., Feb. 6, 2018) (class action case mentioning Survey Report but using “lodestar multiplier” calculation approach instead of hourly rate approach).

Westberry v. Commonwealth Fin. Sys., 2013 U.S. Dist. LEXIS 14381, 2013 WL 435948 (D. N.J., Feb. 4, 2013) (using prior hourly rate decisions, citing *Bilazzo v. Portfolio Recovery Assocs., LLC*) (Editor’s Note: current Survey Report edition includes specific survey data for this and other niche areas in the field of Consumer Law).

Castro v. McCarthy & Jennerich, 2013 U.S. Dist. LEXIS 11989, 2013 WL 335973 (D. N.J., Jan. 10, 2013 (2007 Survey Report not indicative of practice related to FDCPA) (Editor’s Note: current Survey Report contains specific survey data for this and other niche areas in the field of Consumer Law).

Bilazzo v. Portfolio Recovery Assocs., LLC, 876 F. Supp. 2d 452, 2012 U.S. Dist. LEXIS 89094, 2012 WL 2464223 (D. N.J., Jun. 25, 2012) (2010 Survey Report not indicative of FDCPA practice) (Editor’s Note: current Survey Report edition includes specific survey data for this and other niche areas in the field of Consumer Law)

Conklin v. Pressler & Pressler LLP, 2012 U.S. Dist. LEXIS 21609, 2012 WL 569384 (D. N.J., Feb. 21, 2012) (Court noted 2007 Survey Report and movant’s lack of supporting affidavits on requested hourly rates, and adopted prior decisions on same law firm’s rates in other cases) (Editor’s Note: current Survey Report edition contains specific years in practice and geographic data for every state and 157 major U.S. metropolitan areas, and specific concentration of practice data for ten large population states and includes statements of participant quantity disclosure and survey’s methodology’s peer review and approval by National Association of Legal Fee Analysis).

Freid v. Nat’l Action Fin. Servs., 2011 U.S. Dist. LEXIS 149668, 2011 WL 6934845 (D. N.J., Dec. 29, 2011) (finding the Laffey Matrix and the 2007 Survey Report insufficient in geographically specific fee data) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Cassagne v. Law Offices of Weltman, Weinberg & Reis Co., LPA, 2011 U.S. Dist. LEXIS 135207, 2011 WL 5878379 (D. N.J., Nov. 23, 2011) (finding the Laffey Matrix and the 2007 Survey Report insufficient in FDCPA specific fee data) (Editor’s Note: current Survey Report edition includes all niche areas of Consumer Law practice, including FDCPA data, and geographic data for every state and 157 major U.S. metropolitan

areas).

Levy v. Global Credit & Collection Corp., 2011 U.S. Dist. LEXIS 124226, 2011 WL 5117855 (D. N.J., Oct. 27, 2011) (finding the Laffey Matrix and the 2007 Survey Report insufficient in geographically specific fee data) (Editor's Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Weed-Schertzer v. Nudelman, 2011 U.S. Dist. LEXIS 108928, 2011 WL 4436553 (D. N.J., Sept. 23, 2011) (finding the Laffey Matrix insufficient in geographically specific fee data and the 2007 Survey Report data not specific as to area of practice within Consumer Law at issue in case) (Editor's Note: current Survey Report edition contains specific years in practice and geographic data for every state and 157 major U.S. metropolitan areas).

New York

Barksdale v. Global Check and Credit Services, LLC, 2010 U.S. Dist. LEXIS 78476, 2010 WL 3070089 (D.C. W.D., NY, Aug. 4, 2010) (Following its prior decision in *Hoover v. Western New York* involving same type of claims and fee motion by same out of state law firm, the Court repeated that courts should generally use the hourly rates employed in the district in which the reviewing court sits in calculating the presumptively reasonable fee) (Editor's Note: current Survey Report edition contains geographic data for every state and 157 major U.S. metropolitan areas).

Hoover v. Western New York Capital, 2010 U.S. Dist. LEXIS 59621, 2010 WL 2472500 (W.D. N.Y., Jun. 16, 2010) (Court rejected movant's use of California rates from Survey Report in this New York case, holding "courts should generally use the hourly rates employed in the district in which the reviewing court sits in calculating the presumptively reasonable fee.") (Editor's Note: current Survey Report edition contains geographic data for every state and 157 major U.S. metropolitan areas).

Ohio

Richard v. Caliber Home Loans, Inc., 2019 U.S. Dist. LEXIS 167922, 2019 WL 4751741 (S.D. E.D., Ohio, Sept. 30, 2019) (actual billing rates adopted instead of requested rates and 2015-2016 Survey Report and parties' supporting disputed evidence).

Cortes v. Colvin, 2014 U.S. Dist. LEXIS 127874, 2014 WL 4472613 (N.D. E.D., Ohio, Sept. 10, 2014) (no evidence hourly rate for consumer lawyers is comparable to social security disability lawyers).

Benyo v. Colvin, 188 Soc. Sec. Rep. Service 13, 2013 U.S. Dist. LEXIS 40179, 2013 WL 1195528 (N.D. Ohio, Mar. 22, 2013) (2010-2011 Survey Report held not helpful in Social Security case).

Hawk v. Astrue, 2013 U.S. Dist. LEXIS 3973, 186 Soc. Sec. Rep. Service 5, 2013 WL 139799 (N.D. E.D. Ohio, Jan. 10, 2013) (finding Survey Report not specific to Social Security law).

Daniels v. Astrue, 185 Soc. Sec. Rep. Service 518, 2013 U.S. Dist. LEXIS 1418, 2013 WL 66083 (N.D. Ohio, Jan. 4, 2013) (2010-2011 Survey Report held not helpful in Social Security case).

Hakkarainen v. Comm'r of Soc. Sec., 2013 U.S. Dist. LEXIS 86964, 2013 WL 2950529 (N.D. E.D. Ohio, June 11, 2013) (citing *Keyes*, Survey Report not applicable in Social Security case).

Hakkarainen v. Astrue, 2012 U.S. Dist. LEXIS 188466, 2012 WL 8420139 (N.D. E.D. Ohio Jun. 27, 2012); adopting in part Maj. J. Decision at 2013 WL 2950529 (June 11, 2012) (2010-2011 Survey Report not used in Social Security case with statutory cap on fees no increase in hourly rate above cost of living increase allowed).

Keyes v. Astrue, 2012 U.S. Dist. LEXIS 88856, 179 Soc. Sec. Rep. Service 346, 2012 WL 2498892 (N.D. Ohio, June 27, 2012) (2010-2011 Survey Report held not helpful in Social Security case).

Oregon

Hooks ex rel. NLRB v. Int'l Longshore & Warehouse Union, Local 8, 2015 U.S. Dist. LEXIS 28159, 2016 WL 1043133 (D. Ore., Mar. 9, 2015) (National Labor Relations Board case finding the Laffey Matrix and the 2010-2011 Survey Report insufficient in geographically specific fee data) (Editor's Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

League of Wilderness Defenders/Blue Mts. Biodiversity Project v. United States

Forest Serv., 2014 U.S. Dist. LEXIS 96335, 2014 WL 3546858 (D. OR, Jul. 15, 2014) (citing and following *Fitzgerald v. Law Office of Curtis O. Barnes*, 2013 U.S. Dist. LEXIS 53642, 2013 WL 1627740 (E.D. Cal., Apr. 15, 2013) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Behrens v. Smith & Greaves, LLP, 2012 U.S. Dist. LEXIS 21888, 2012 WL 590845 (D. Ore., Feb. 22, 2012) (2008 Survey Report did not include years of experience or include specific area of law at issue in case) (Editor’s Note: current Survey Report edition contains specific years in practice data for every state and 157 major U.S. metropolitan areas, and includes specific survey data for this and other niche areas in the field of Consumer Law).

Daley v. A & S Collection Assocs., 2010 U.S. Dist. LEXIS 131572, 2010 WL 5137834 (D. Ore., Portland Div., Dec. 10, 2010) (2007 Survey Report data not geographically specific as to District) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Pennsylvania

Navarro v. Monarch Recovery Mgmt., 2014 U.S. Dist. LEXIS 84095, 2014 WL 2805244 (E.D. Pa., Jun. 20, 2014) (finding the Laffey Matrix and the 2010-2011 Survey Report insufficient in geographically specific fee data) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Murphy v. Receivable Mgmt. Servs. Corp., 2013 U.S. Dist. LEXIS 65402, 2013 WL 1905149 (E.D. Pa., May 8, 2013 (prior Survey Report “not specific to Eastern District of Pennsylvania”)) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Zavodnick v. Gordon & Weisberg, P.C., 2012 U.S. Dist. LEXIS 78868, 2012 WL 2036493 (E.D. Pa., Jun. 6, 2012) (finding the Laffey Matrix and the 2007 Survey Report insufficient in geographically specific fee data) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Brass v. NCO Fin. Sys., 2011 U.S. Dist. LEXIS 98223, 2011 WL 3862145 (E.D. Pa., Jul. 22, 2011) (mentioning the Laffey Matrix and 2007 Survey Report but applying the local Community Legal Services fee schedule) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Alexander v. NCO Fin. Sys., 2011 U.S. Dist. LEXIS 64211, 2011 WL 2415156 (E.D. Pa., Jun. 16, 2011) (mentioning the 2007 Survey Report but applying the local Community Legal Services fee schedule) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Williams v. NCO Fin. Sys., 2011 U.S. Dist. LEXIS 50635, 2011 WL 1791099 (E.D. Pa., May 11, 2011) (finding the Laffey Matrix and the 2007 Survey Report insufficient in geographically specific fee data) (Editor’s Note: current Survey Report contains specific survey data for 157 U.S. metropolitan areas).

Tennessee

Lee v. Robinson, Reagan & Young, PLLC, 2015 U.S. Dist. LEXIS 69096, *22, 2015 WL 3442097 (M.D. Tenn., May 28, 2015) (2010-2011 Survey Report and Laffey Matrix when “submitted without guidance or specific argument by the plaintiff, are insufficient to justify higher hourly rates”) (Editor’s Note: the rule from this case seems to be that it is not enough to merely submit the Survey Report; some explanation should be made on how it applies and where in the survey there can be found support for the hourly rate requested by the movant).

Eidson v. Massa, 2014 U.S. Dist. LEXIS 91440 (E.D., Tenn., April 14, 2014) (noting absence in Survey Report of quantity of survey respondents, lack of actual court fee award input) (Editor’s Note: current Survey Report edition includes statements of participant quantity disclosure, actual court fee award data input, and the survey methodology and data analyses peer review and approval by the National Association of Legal Fee Analysis, which began in 2017).

Texas

Ratliff v. Mesilla Valley Transp., Inc., 2019 U.S. Dist. LEXIS 141533, 2019 WL 3936991 (W.D., Texas, El Paso Div., August 20, 2019) (applicant must show prevailing rates in the relevant community and neither the applicant’s “home” state rates nor the state-wide rates of the relevant community are the prevailing market rates in El Paso) (Editor’s Note: current Survey Report edition includes El Paso among 137 greater metropolitan areas now covered by the survey).

Vermont

Centrella v. Ritz-Craft Corp. of Pa., Inc., 2018 U.S. Dist. LEXIS 22308, 2018 WL 840041(D.C. Vermont, Feb. 12, 2018) (Survey Report not properly submitted, questioning accuracy of state metropolitan hourly rate) (Editor’s Note: upon review, data entry error by participant noted and Vermont section of Survey Report revised with updated Vermont data and reported in new Survey Report edition dated Mar. 13, 2018).

Federal Court of Claims

Gonzalez v. Sec’y of HHS, 2015 U.S. Claims LEXIS 1833, 2015 WL 10435023 (Fed. Cl., Nov. 10, 2015) (Survey Report not used in National Vaccine Injury Compensation Program case, citing *Mooney v. Sec’y of Health & Human Servs*) (Editor’s Note: the rule from these two cases is that some explanation must be made on how the area of Consumer Law is similar to the area of law involved in a movant’s case at hand.).

Mooney v. Sec’y of Health & Human Servs, 2014 U.S. Claims LEXIS 1526, 2014 WL 7715158 (Fed. Cl., Dec. 29, 2014) (National Vaccine Injury Compensation Program case; applicant “did not explain why ‘consumer law’ constitutes an apt comparison for fees purposes to Vaccine Act litigation.” “Telling me why such comparisons are apt would be far more helpful than simply asserting that they are.”) (Editor’s Note: the rule from this case is that some explanation must be made on how the area of Consumer Law is similar to the area of law involved in a movant’s case at hand.).

US Dept of Labor, DOL Benefit Review Board, Administrative Law Judge Judge

Ralph Abell v. Island Creek Coal Co., et al, 2018 WL 3007436 (May 21, 2018, DOL Ben Rev. Bd., Chief Administrative Appeals Judge, Gilligan and Rolfe) (Survey Report not helpful in absence of explanation of “how this is relevant in the area of black lung claims.”) (Editor’s Note: movant is responsible for providing Court with adequate explanation on how the area of Consumer Law is similar to the area of law involved in a movant’s case at hand).

David R. Maddox v. Lodestar Energy, Inc., et al, 2018 WL 3007437 (May 16, 2018, DOL Ben Rev. Bd., Chief Administrative Appeals Judge, Gilligan and Rolfe) (aff’d 762 Fed. Appx. 269) (Survey Report not helpful in absence of explanation of “how this is relevant in the area of black lung claims.”) (Editor’s Note: movant is responsible for providing Court with adequate explanation on how the area of Consumer Law is similar to the area of law involved in a movant’s case at hand).

Terry Grimm v. Vortex Marine Construction, et al, 2016 WL 7826580 (Dec. 28, 2016), (DOL Ben.Rev.Bd., Administrative Law Judge Wm. Dorsey, finding Los Angeles and San Francisco 2013-2014 Survey Report tables not relevant to San Diego market) (Editor's Note: current Survey Report provides tables for San Diego and 157 major metropolitan areas).

4. Cases on Use of Survey Data

Additional considerations in using fee surveys may be relevant to a court's consideration in a particular case, including the following concepts drawn from the illustrative cases below.

In determining whether a requested hourly rate is appropriate, a court may look not only to past awards within the district, but the other submissions offered in support of the award such as surveys and affidavits. See, *Waldo v. Consumers Energy Co.*, 726 F.3d 802, 2013 U.S. App. LEXIS 16555, at *37, 2013 WL 4038747 at *12 (6th Cir. Aug. 9, 2013); also see, *Sykes v. Anderson*, 419 Fed.Appx. 615, 618 (6th Cir. 2011) ("[t]he appropriate rate . . . is not necessarily the exact value sought by a particular firm, but is rather the market rate in the venue sufficient to encourage competent representation.").

While different attorney fee surveys may exist for the Court's consideration, the question may be which "fee survey better served the purpose of assessing the skills, experience and reputation of counsel" in a particular case. *Strohl Systems Group, Inc. v. Fallon*, 2007 U.S. Dist. LEXIS 90830, 2007 WL 4323008 (E.D. Pa., Dec. 11, 2007), aff'd 372 Fed.Appx. 230 (Mar. 30, 2010).

Moreover, a fee survey may be approved as probative evidence of the reasonableness of an hourly rate. *Taylor v. USF-Red Star Express, Inc.*, 2005 U.S. Dist. LEXIS 3599, 2005 WL 555371 (E.D.Pa., March 8, 2005), aff'd 212 Fed. Appx. 101 (2006).

However, the results of an attorney fee survey may be merely a starting point, a piece of evidence that still should be shown to apply in a particular case. See, *Ray v. Secretary of Dept. Of Health and Human Services*, 2006 WL 1006587 (Fed.Cl., March 30, 2006).

The cost of performing an individual fee survey and analysis may be recoverable.

It is a matter of first impression that a fee applicant would hire another attorney to conduct a survey on her behalf. We cannot forget that Luessenhop has the burden of proving that her Fee Application is based upon prevailing market rates and that she has the right to present evidence to support the rate she believes to be prevailing. Here, where we are required to weigh the presumptive prevailing market rate district wide,

further pondering the geographical distance and economic disparities between the Plattsburgh and Albany communities and Schneider's relatively limited access to those attorneys who practice civil rights litigation in Albany, we acknowledge that Luessenhop was left with little option but to hire Mishler, an Albany attorney, to conduct a more comprehensive survey on her behalf. Luessenhop seeks \$787.50 for Mishler's endeavors, which appears to be modest. Considering the amount of time this Court spent to conduct a similar survey, we do not find this amount to be unreasonable and will award it.

Luessenhop v. Clinton County, N.Y. 558 F.Supp.2d 247, 272 (N.D.N.Y., 2008).

Importantly, a fee survey is most useful when it surveys the general area of law at hand in an applicant's motion. Thus, the data from one type of survey may not be applicable to a different area of law without some explanation by the applicant of why the two areas of law are comparable. Nevertheless, more recent cases find guidance and value even if the survey is not of the specific area of law at hand before the Court.

Mooney v. Sec'y of Health & Human Servs, 2014 U.S. Claims LEXIS 1526, 2014 WL 7715158, *3 n.9, *5 (Fed. Cl. Spec. Mstr. Dec. 29, 2014) (Referring to the Survey Report in a fee motion brought under the National Vaccine Injury Compensation Program but noting the absence of the proponent's explanation why Consumer Law is comparable to Vaccine Act litigation).

Gonzalez v. Secy. of Health & Human Services, 2015 WL 10435023, *9 (Fed. Cl. Spec. Mstr. Nov. 10, 2015) (Referring to the Survey Report but not stating a reliance upon it in a fee motion brought under the National Vaccine Injury Compensation Program).

However, cases outside of Consumer Law have used the Survey Report, e.g., *Twerdok v Secretary of Health and Human Services*, 2016 WL 7048036 (U.S. Court of Federal Claims, Office of Special Masters, Aug. 4, 2016) (Vaccine Act litigation); and *John A. Breda V. Kindred Braintree Hospital, LLC*, 11 OCAHO 1225, 2014 OCAHO LEXIS 18, 2014 WL 4390663 (Aug. 26, 2014) (Employment Discrimination).

Also, survey evidence of the forum geographic area may not be applicable if the attorney's work is performed outside of the forum area.

Gonzalez v. Secy. of Health & Human Services, 2015 WL 10435023, *9 (Fed. Cl. Spec. Mstr. Nov. 10, 2015) (“... the reasonable hourly rate should generally be based on the forum rate. *Avera v. Sec’y of Health & Human Servs.*, 515 F.3d 1343, 1349 (Fed. Cir. 2008); see also *Davis Cnty. Solid Waste Mgmt. & Energy Recovery Special Serv. Dist. v. U.S. E.P.A.*, 169 F.3d 755 (D.D.C. Feb. 26, 1999). However, an exception to the forum rule (often referred to as the *Davis County* exception) is applied in cases where the majority of the attorney's work is performed outside of the forum, and where there is a “very significant difference” in compensation between the forum rate and the local rate. Under such circumstances, when the forum rate is higher, the reasonable hourly rate for the attorney's fees award should be calculated utilizing the lower local rate. See *Avera*, 515 F.3d at 1349.”).

5. About the Editor



Ronald L. Burdge is an attorney and the founder of Burdge Law Office Co L.A. in Dayton, Ohio. Mr. Burdge is in private practice in Ohio, Kentucky and Indiana and elsewhere by *pro hac* admission, and is a nationally known Consumer Law attorney. For over a decade, Mr. Burdge has testified as an expert witness on Consumer Law and Attorney Fee issues in numerous state and federal courts. He is a member of the Total Practice Management Association and numerous professional associations.

He has authored numerous articles and lectured widely on Attorney Fee issues and Consumer Law and Consumer Trial Practice, and is a member of the American Society of Legal Writers and the Legal Writing Institute. Mr. Burdge has also lectured widely at national and state Consumer Protection Law seminars before attorneys, judges, and both public and business groups, and has testified before the Ohio Legislature and its committees on Consumer Law issues.

He has served as Board Examiner for the National Board of Trial Advocacy and has extensive Consumer Law trial and appellate experience in individual and class action cases involving lenders, retail sales practices, defective products, and warranty litigation. Since 2004, he remains the only Consumer Law attorney in Ohio who has been named to Ohio Super Lawyer status by *Law & Politics* Magazine and Thomson Reuters, and whose practice is entirely devoted to Consumer Law work for consumers. Thomson Reuters is the world's leading source of intelligent information for businesses and professionals. In 2004, he was named Trial Lawyer of the Year by the National Association of Consumer Advocates and in 2010 he was elected to a six year term on the Board of the National Association of Consumer Advocates.

6. Recommendations for Future Survey Data

As always, we welcome your suggestions for improvements to the survey and this Survey Report as we continue to gather useful information in the future.

Please email your suggestions to Ron@BurdgeLaw.com or you may mail them to Ronald L. Burdge, Esq., 8250 Washington Village Drive, Dayton, Ohio 45458.

Shortly after this report was published, the next survey data gathering time frame was opened for participation for the next edition of the *United States Consumer Law Attorney Fee Survey Report*. If you are an attorney who practices in the field of Consumer Law to any degree, your participation in the next survey would benefit the bar, practitioners and the Courts and would be greatly appreciated. You can do so by going to the website AttorneyFeeStudy.com and clicking on the “Click Here to Take the Survey Now” link.


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June 1, 2020

Appendix 1. 2019-2020 Survey Questions

The following pages contain the survey questions and possible answers to each question.

US Consumer Law and Bankruptcy Law Attorney Fee Survey (2017-2018)

Consumer Law Survey Questions


* 1. Below is a list of practice areas. Please select the practice area that represents the largest percentage of your practice time. 

- | | | |
|--|---|--|
| <input type="radio"/> Bankruptcy | <input type="radio"/> Estate Planning, Probate, Wills | <input type="radio"/> Securities |
| <input type="radio"/> Consumer Law | <input type="radio"/> General Practice | <input type="radio"/> Workers Compensation |
| <input type="radio"/> Criminal Law | <input type="radio"/> Medical Malpractice | <input type="radio"/> Other |
| <input type="radio"/> Domestic Relations | <input type="radio"/> Personal Injury | |
| <input type="radio"/> Employment Law | <input type="radio"/> Real Estate | |


* 2. What percentage of your practice time is devoted to Consumer Law, not including Bankruptcy Law?



- | | | |
|---------------------------|--------------------------|-----------------------------------|
| <input type="radio"/> 100 | <input type="radio"/> 60 | <input type="radio"/> 20 |
| <input type="radio"/> 90 | <input type="radio"/> 50 | <input type="radio"/> 10 |
| <input type="radio"/> 80 | <input type="radio"/> 40 | <input type="radio"/> 5 |
| <input type="radio"/> 70 | <input type="radio"/> 30 | <input type="radio"/> less than 5 |

* 3. What specific areas of Consumer Law practice do you regularly handle? Check all that apply 


- Bankruptcy
- Class Action
- Credit Rights (FCRA, FDCPA, ECOA, TILA, Credit Discrimination, Credit Reporting, Debt Defense, etc)
- Mortgage (Foreclosure Defense, RESPA, HOLA, Real Estate, Housing Rights, etc)
- Vehicles (AutoFraud, Lemon Law, Warranty Law, UDAP, Repossession Law, etc)
- TCPA
- Other (please specify)

*** 4. What is your attorney standard billable hourly rate? If your rate is different for different jurisdictions, then you will need to complete this survey for each jurisdiction where you practice with a different hourly rate. If you are unable to do so, you may email your additional responses to Ron@BurdgeLaw.com and they will be entered for you.** 


- | | | |
|--------------------------------|---------------------------|------------------------------------|
| <input type="radio"/> 0 or n/a | <input type="radio"/> 375 | <input type="radio"/> 725 |
| <input type="radio"/> 50 | <input type="radio"/> 400 | <input type="radio"/> 750 |
| <input type="radio"/> 75 | <input type="radio"/> 425 | <input type="radio"/> 775 |
| <input type="radio"/> 100 | <input type="radio"/> 450 | <input type="radio"/> 800 |
| <input type="radio"/> 125 | <input type="radio"/> 475 | <input type="radio"/> 825 |
| <input type="radio"/> 150 | <input type="radio"/> 500 | <input type="radio"/> 850 |
| <input type="radio"/> 175 | <input type="radio"/> 525 | <input type="radio"/> 875 |
| <input type="radio"/> 200 | <input type="radio"/> 550 | <input type="radio"/> 900 |
| <input type="radio"/> 225 | <input type="radio"/> 575 | <input type="radio"/> 925 |
| <input type="radio"/> 250 | <input type="radio"/> 600 | <input type="radio"/> 950 |
| <input type="radio"/> 275 | <input type="radio"/> 625 | <input type="radio"/> 975 |
| <input type="radio"/> 300 | <input type="radio"/> 650 | <input type="radio"/> 1000 |
| <input type="radio"/> 325 | <input type="radio"/> 675 | <input type="radio"/> 1025 |
| <input type="radio"/> 350 | <input type="radio"/> 700 | <input type="radio"/> 1050 or more |

*** 5. How many attorneys are in your law firm?** 

- | | | |
|-------------------------|-------------------------|---------------------------------|
| <input type="radio"/> 1 | <input type="radio"/> 3 | <input type="radio"/> 5 or more |
| <input type="radio"/> 2 | <input type="radio"/> 4 | |

*** 6. How many full or part time paralegal or law clerk or legal assistants do you employ?** 


- | | | |
|-------------------------|-------------------------|---------------------------------|
| <input type="radio"/> 0 | <input type="radio"/> 2 | <input type="radio"/> 4 |
| <input type="radio"/> 1 | <input type="radio"/> 3 | <input type="radio"/> 5 or more |

* 7. What is your average paralegal or law clerk or legal assistant standard billable hourly rate? 


- | | | |
|--------------------------------|---------------------------|-----------------------------------|
| <input type="radio"/> 0 or n/a | <input type="radio"/> 110 | <input type="radio"/> 200 |
| <input type="radio"/> 25 | <input type="radio"/> 125 | <input type="radio"/> 210 |
| <input type="radio"/> 50 | <input type="radio"/> 140 | <input type="radio"/> 225 |
| <input type="radio"/> 75 | <input type="radio"/> 150 | <input type="radio"/> 240 |
| <input type="radio"/> 90 | <input type="radio"/> 175 | <input type="radio"/> 250 |
| <input type="radio"/> 100 | <input type="radio"/> 190 | <input type="radio"/> 275 or more |

* 8. How long ago did you change your billable hourly rate? 


- | | | |
|--|-----------------------------------|---------------------------------------|
| <input type="radio"/> n/a | <input type="radio"/> 1 1/2 years | <input type="radio"/> 3 1/2 years |
| <input type="radio"/> less than 1/2 year | <input type="radio"/> 2 years | <input type="radio"/> 4 years |
| <input type="radio"/> 1/2 year | <input type="radio"/> 2 1/2 years | <input type="radio"/> 4 1/2 years |
| <input type="radio"/> 1 year | <input type="radio"/> 3 years | <input type="radio"/> 5 years or more |

*** 9. In what jurisdiction do you practice law? If you practice in more than one jurisdiction and your hourly rate is the same in all jurisdictions, then you may check more than one box below. If your rate differs in different jurisdictions, then you should complete this survey for one jurisdiction and then submit a new survey response for each additional jurisdiction where you practice.** 


- | | | |
|--------------------------------------|---|--|
| <input type="checkbox"/> Alabama | <input type="checkbox"/> Maine | <input type="checkbox"/> Oregon |
| <input type="checkbox"/> Alaska | <input type="checkbox"/> Maryland | <input type="checkbox"/> Pennsylvania |
| <input type="checkbox"/> Arizona | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> Puerto Rico |
| <input type="checkbox"/> Arkansas | <input type="checkbox"/> Michigan | <input type="checkbox"/> Rhode Island |
| <input type="checkbox"/> California | <input type="checkbox"/> Minnesota | <input type="checkbox"/> South Carolina |
| <input type="checkbox"/> Colorado | <input type="checkbox"/> Mississippi | <input type="checkbox"/> South Dakota |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Missouri | <input type="checkbox"/> Tennessee |
| <input type="checkbox"/> Delaware | <input type="checkbox"/> Montana | <input type="checkbox"/> Texas |
| <input type="checkbox"/> Florida | <input type="checkbox"/> Nebraska | <input type="checkbox"/> Utah |
| <input type="checkbox"/> Georgia | <input type="checkbox"/> Nevada | <input type="checkbox"/> Vermont |
| <input type="checkbox"/> Hawaii | <input type="checkbox"/> New Hampshire | <input type="checkbox"/> Virginia |
| <input type="checkbox"/> Idaho | <input type="checkbox"/> New Jersey | <input type="checkbox"/> Virgin Islands US |
| <input type="checkbox"/> Illinois | <input type="checkbox"/> New Mexico | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Indiana | <input type="checkbox"/> New York | <input type="checkbox"/> West Virginia |
| <input type="checkbox"/> Iowa | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Wisconsin |
| <input type="checkbox"/> Kansas | <input type="checkbox"/> North Dakota | <input type="checkbox"/> Wyoming |
| <input type="checkbox"/> Kentucky | <input type="checkbox"/> Ohio | <input type="checkbox"/> Washington DC |
| <input type="checkbox"/> Louisiana | <input type="checkbox"/> Oklahoma | |

* 10. How many years have you been practicing law? 

- | | | |
|--------------------------|--------------------------|----------------------------------|
| <input type="radio"/> 1 | <input type="radio"/> 16 | <input type="radio"/> 31 |
| <input type="radio"/> 2 | <input type="radio"/> 17 | <input type="radio"/> 32 |
| <input type="radio"/> 3 | <input type="radio"/> 18 | <input type="radio"/> 33 |
| <input type="radio"/> 4 | <input type="radio"/> 19 | <input type="radio"/> 34 |
| <input type="radio"/> 5 | <input type="radio"/> 20 | <input type="radio"/> 35 |
| <input type="radio"/> 6 | <input type="radio"/> 21 | <input type="radio"/> 36 |
| <input type="radio"/> 7 | <input type="radio"/> 22 | <input type="radio"/> 37 |
| <input type="radio"/> 8 | <input type="radio"/> 23 | <input type="radio"/> 38 |
| <input type="radio"/> 9 | <input type="radio"/> 24 | <input type="radio"/> 39 |
| <input type="radio"/> 10 | <input type="radio"/> 25 | <input type="radio"/> 40 |
| <input type="radio"/> 11 | <input type="radio"/> 26 | <input type="radio"/> 41 |
| <input type="radio"/> 12 | <input type="radio"/> 27 | <input type="radio"/> 42 |
| <input type="radio"/> 13 | <input type="radio"/> 28 | <input type="radio"/> 43 |
| <input type="radio"/> 14 | <input type="radio"/> 29 | <input type="radio"/> 44 |
| <input type="radio"/> 15 | <input type="radio"/> 30 | <input type="radio"/> 45 or more |

* 11. In what geographical area of your state do you regularly practice? If more than one area, mark all that apply. For Hawaii, consider Hawai'i the Big Island to be South, Maui to be East, O'ahu to be North, and Kaua'i to be West. 

- | | | |
|--------------------------------|-------------------------------|----------------------------------|
| <input type="checkbox"/> North | <input type="checkbox"/> East | <input type="checkbox"/> Central |
| <input type="checkbox"/> South | <input type="checkbox"/> West | |

* 12. Do you regularly practice in a metropolitan area of more than 200,000 persons or less than 200,000 persons? 

- Both more and less
- More than 200,000
- Less than 200,000

Appendix 2. Statement of Peer Review by The National Association of Legal Fee Analysis

The following page contains the NALFA statement of its peer review opinions of the United States Consumer Law Attorney Fee Survey Report. NALFA's Executive Director's review of this survey's methodology and data analyses began in 2017.



National Association of Legal Fee Analysis Specializing in Attorney Fees & Legal Billing

The National Association of Legal Fee Analysis (NALFA) is a 501(c)(6) non-profit professional association for the legal fee analysis field. Our members provide a range of services on attorney fees and legal billing matters. Courts and clients turn to us for expertise when attorney fees and expenses are at issue in large, complex cases. NALFA members are fully qualified attorney fee experts, special fee masters, bankruptcy fee examiners, fee dispute mediators and legal bill auditors.

We have reviewed the follow data and methodology prior to publication. We at NALFA support this hourly rate survey and the methodology contained within. This survey was conducted with the utmost professionalism, with statistical integrity and reliability, and with detailed hourly rate data and survey information. Indeed, this survey is the most comprehensive hourly rate survey for consumer lawyers in the U.S.

Terry Jesse

Terry Jesse, Executive Director
terry@thenalfa.org

Appendix 3. Table of Authorities

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June 1, 2020

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Seattle GMA Consumer Law Attorney Fee Survey for 2019-2020

Attorneys in every state and the U.S. Territories took part in this national survey of Consumer Law attorneys and their law practice economics. Actual court case decisions are included in the database too. The results of this exhaustive and peer reviewed survey continues the trend of being the most comprehensive since this continuous research work began in 1999.

This Seattle Greater Metropolitan Interim Survey Report 2019-2020 publishes the current results of the United States Consumer Law Attorney Fee Survey for 2019-2020. Since the first Survey Report was published in 2000, the Survey Report has been used in more than 46 jurisdictions, including state and federal courts, the U.S. Court of Federal Claims, the U.S. Department of Justice, the U.S. Department of Labor, and the American Arbitration Association to determine reasonable attorney fee rates across the United States.

This Seattle Interim Survey Report provides data analyses for the entire greater metropolitan area of Seattle, Washington, providing hourly rates for attorneys and paralegals, average years in practice, and additional practice information, with a Table of Authorities updated to September 10, 2019.

The data published here will help the bench, the bar, and attorneys everywhere to understand the economics of practicing law in the Consumer Law field nationally.

In deciding a contested attorney fee motion in a fee-shifting case, Senior United States District Judge James C. Fox ruled that the *U.S. Consumer Law Attorney Fee Survey Report* was more persuasive than the National Law Journal's fee survey and the U.S. Attorney's Laffey Matrix in Consumer Law cases. *LaFountain, Jr v. Paul Benton Motors of North Carolina, LLC*, 2010 U.S. Dist. LEXIS 121631, 2010 WL 4457057 (E.D. NC, Nov. 5, 2010).

You can download your own free copy of the 570 page 2017-2018 Survey Report from NACA, NCLC, NACBA web sites, scan the QR code to the right, or by participating in the next survey. Go to: www.AttorneyFeeStudy.com

