

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

KAIL MARIE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 14-cv-2518
SUSAN MOSIER, M.D., in her official capaci-	)	
ty as Secretary of the Kansas Department of	)	
Health and Environment, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFFS’ CONDITIONALLY UNOPPOSED MOTION FOR AN AWARD OF  
ATTORNEYS’ FEES, TAXABLE COSTS, AND LITIGATION EXPENSES AND  
SUGGESTIONS IN SUPPORT**

Pursuant to the Civil Rights Attorney’s Fees Awards Act of 1976, 42 U.S.C.A. § 1988, Fed. R. Civ. P. 54(d)(2), and D. Kan. R. 54.2, Plaintiffs move for an award of attorneys’ fees, taxable costs, and expenses in the amount of \$295,194.25 (\$295,000.00 in attorneys’ fees and \$194.25 in litigation expenses).<sup>1</sup>

Defendants’ position on this Motion is as follows: In an effort to resolve remaining issues involving the Clerks of the District Court, Defendants have agreed to not contest or oppose Plaintiffs’ fee request provided that the Court approves the Joint Motion to Alter or Amend Judgment and Stipulation of Dismissal with Prejudice as to Defendants Hamilton and Lumbreras as submitted. If the Joint Motion is modified in any way or denied by the Court, Defendants reserve the right to litigate the reasonableness of Plaintiff’s request for attorneys’ fees and costs, including on appeal from that judgment as necessary, and are not hereby waiving any objections they may timely have or assert to that request. Similarly, Plaintiffs reserve the right to supple-

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<sup>1</sup> Plaintiffs have filed with the Clerk a Bill of Costs pursuant to 28 U.S.C. § 1920 for taxable costs such as fees of the clerk and deposition costs.

ment their motion for fees to request the full lodestar fee and to request fees for preparing the fee petition and litigating other issues that may arise as a result of further litigation by Defendants.

#### Suggestions in Support

Plaintiffs filed this case on October 10, 2014, and the Court granted a preliminary injunction on November 4, 2014. ECF Docs. 1 & 29. Defendants immediately appealed and sought a stay of the preliminary injunction from the Tenth Circuit and the United States Supreme Court, which requests were denied. ECF Docs. 30 & 41. On August 10, 2015, the Court entered summary judgment for Plaintiffs and granted declaratory relief, but the Court withheld a ruling on Plaintiffs' request for a permanent injunction. ECF Doc. 126. In a Memorandum and Order ruling on Plaintiffs' Request for Permanent Injunction dated July 22, 2016, and in an Amended Final Judgment filed on July 26, 2016, the Court entered a final judgment permanently enjoining Defendants from enforcing provisions of the Kansas Constitution and statutes that prohibit same-sex marriage. ECF Docs. 139 & 141. On August 12, 2016, pursuant to Plaintiffs' motion, the Tenth Circuit dismissed Defendants' interlocutory appeal of the preliminary injunction as moot. ECF Doc. 142. The Court ordered Plaintiffs to file any motion for attorneys' fees within thirty (30) days of July 22, 2016, ECF Docs. 139 at 32, and the Court granted Plaintiffs an extension of time to move for attorneys' fees, costs, and expenses until September 2, 2016, ECF Doc. 144. This is Plaintiffs' unopposed motion for attorneys' fees and expenses.

“In any action or proceeding to enforce a provision of section[] . . . 1983 . . . of this title, . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.” 42 U.S.C.A. § 1988(b). “[A] prevailing party should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust.” *Hensley v. Eckerhart*, 461 U.S. 424, 430, 103 S.Ct. 1933, 1937 (1983) (internal quotation

marks omitted). “[A] plaintiff ‘prevails’ when actual relief on the merits of his claim materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiff.” *Farrar v. Hobby*, 503 U.S. 103, 113 S.Ct. 566, 573 (1992). “Only certain circumstances warrant a significant reduction or outright denial of attorneys’ fees to a prevailing civil rights litigant.” *Zinna v. Congrove*, 680 F. 3d 1236, 1240 (10th Cir. 2012), quoting *Phelps v. Hamilton*, 120 F.3d 1126, 1131 (10th Cir.1997).

In judging whether a prevailing plaintiff’s success justifies an award of attorneys’ fees, the Tenth Circuit has applied the so-called “*Farrar* factors” listed by Justice O’Connor in her concurrence in *Farrar v. Hobby*. See *Zinna*, 680 F.3d at 1240. The *Farrar* factors require lower courts to consider “the degree of success obtained by the plaintiffs,” “the extent to which the plaintiffs succeeded on their theory of liability,” and the “public purpose served by the plaintiffs’ success.” *Phelps v. Hamilton*, 120 F.3d at 1132. “Courts must consider and weigh all three factors, and no factor is dispositive.” *Zinna*, 680 F.3d at 1240. Here, Plaintiffs are entitled to full recovery of their attorneys’ fees because they obtained a declaratory judgment and permanent injunction against the enforcement of Kansas’ unconstitutional laws prohibiting same-sex marriage. That result was a complete success on Plaintiffs’ theory of the case and served the important public purpose of enforcing the constitutional right of same-sex couples in Kansas to marry and to have their marriages recognized by the state government and its elected officials, officers, agents, and employees.

“The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley*, 461 U.S. at 434, 103 S.Ct. at 1939. This calculation yields the lodestar attorney’s fee. “Where a plaintiff has obtained excellent results, his attorney should recover a fully compensato-

ry fee. Normally this will encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified.” *Hensley*, 461 U.S. at 435, 103 S.Ct. at 1940.<sup>2</sup> “A court will generally determine what fee is reasonable by first calculating the lodestar – the total number of hours reasonably expended multiplied by a reasonable hourly rate – and then adjust the lodestar upward or downward to account for the particularities of the suit and its outcome.” *Phelps*, 120 F.3d at 1131.

The first factor in the lodestar calculation is the number of hours reasonably expended. In arriving at the hours for which counsel seek fees, Plaintiffs’ lawyers have relied on contemporaneous time records and have exercised billing judgment by eliminating excessive, redundant, or otherwise unnecessary hours as required by the Supreme Court in *Hensley*, 461 U.S. at 434, 103 S.Ct. at 1939-40. See Bonney Declaration, ¶ 6; Block Declaration, ¶ 6; Johnson Declaration, ¶ 7; Wenger Declaration, ¶ 6. Plaintiffs’ counsel spent a total of 822.98 billable hours litigating this case. Specifically, Mr. Bonney spent 460.4 billable hours litigating this case. Bonney Declaration ¶ 7. Mr. Block spent 64.18 billable hours litigating this case. Block Declaration ¶ 6. Mr. Johnson spent 221.3 billable hours litigating this case. Johnson Declaration ¶ 8. And Ms. Wenger spent 77.1 billable hours litigating this case. Wenger Declaration ¶ 6.<sup>3</sup>

The hours spent on this constitutional litigation were reasonable and were in line with hours spent litigating other marriage equality cases. See Bonney Declaration, ¶¶ 9 & 10. For instance, in *Bishop v. Smith*, 112 F.Supp.3d 1231 (N.D. Okla. 2015), the Oklahoma marriage

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<sup>2</sup> The Tenth Circuit “has long applied the *Johnson* lodestar factors to assess ‘reasonableness’ of attorney’s fees in a variety of contexts.” *Connolly v. Harris Trust Co. of Ca.(in Re Miniscribe Corp.)*, 309 F.3d 1234, 1244 (10th Cir. Colo. 2002), citing *Johnson v. Georgia Highway Express*, 488 F.2d 714, 716-17 (5th Cir. 1974)..

<sup>3</sup> Because this motion is unopposed, Plaintiffs have not attached their computerized billing records. But Plaintiffs will file those billing records if the Court requests them.

equality, the district court awarded fees for 422.75 hours of appellate work only by four lawyers at rates ranging from \$275 to \$400 per hour for a total award of \$296,742.50 in fees and \$1,895.27 in litigation expenses. 112 F. Supp.3d 1231, 1253 (N.D. Okla. 2015) (counsel in *Bishop* represented plaintiffs *pro bono* before the district court, 112 F. Supp.3d at 1237). In another similar case, the district court awarded fees for 1101 hours of district and appellate court work by five lawyers at rates ranging from \$275 to \$400 per hour for a total award of \$397,300.00 in fees and \$4,363.08 in litigation expenses. *Latta v. Otter*, 214 U.S. Dist. LEXIS 176103, \*31 & 33 (D. Ida. Dec. 19, 2014). In a supplemental decision, the district court in *Latta* awarded additional fees of \$220,160.00 and litigation expenses of \$6,730.85 for 541.4 hours of additional work on the case. 2015 U.S. Dist. LEXIS 102635, \*17 (D. Ida. Aug. 3, 2015).

The second factor in the lodestar equation is the appropriate hourly rate. The Supreme Court has “repeatedly stressed that attorney’s fees awarded under this statute are to be based on market rates for the services rendered.” *Missouri v. Jenkins by Agyei*, 491 U.S. 274, 283, 109 S.Ct. 2463, 2469 (1989). The rates sought here (\$400 per hour for attorneys Bonney, Block, and Johnson, and \$200 for attorney Wenger) are well within the range of market rates for Kansas City attorneys with experience similar to Plaintiff’s attorneys. Declaration of Arthur A. Benson II, ¶¶ 6 & 7; Declaration of Fred Slough, ¶¶ 4 & 5; Bonney Declaration, ¶ 3; Johnson Declaration, ¶ 6. The rates are also similar to rates recently awarded in other Kansas City cases in the District of Kansas. For instance, this Court recently approved Kansas City market rates of \$400 and \$315 per hour for partners and \$270 and \$200 per hour for associates. *Ross v. Rothstein*, 2016 U.S. Dist. LEXIS 7682, \*45-49 (D. Kan. Jan. 22, 2016). In doing so, the Court noted that:

These hourly rates for attorneys and staff are consistent with rates that our Court has approved recently in other lawsuits. *See, e.g., Barbosa v. Nat’l Beef Packing Co., LLC*, No. 12-2311-KHV, 2015 WL 4920292, at \*10 (D. Kan. Aug. 18, 2015) (finding hourly rates of \$325 to \$425 for experienced attorneys, \$180 for attor-

neys with little to no experience, and \$75 for paralegals reasonable in 2015 Kansas City Fair Labor Standards Act case); *Mr. Elec. Corp. v. Khalil*, No. 06-2414-CM, 2013 WL 5651398, at \*6 (D. Kan. Oct. 16, 2013) (approving a \$305 per hour rate for an intellectual property attorney who was a fifth year associate at the beginning of the case but, during the seven-year history of the litigation, progressed to Counsel); *Seamands v. Sears Holding Corp.*, No. 09-2054-JWL, 2011 WL 884391, at \*14-16 (D. Kan. Mar. 11, 2011) (concluding that the following hourly rates were reasonable: \$400 per hour for a lawyer with more than 30 years' experience, \$290 per hour for lawyers with more than 20 years' experience, \$270 for a partner with 11 years' experience, \$175 for associates with "lesser experience," and \$90 for paralegals)[.]

*Id.* at \*47-48.<sup>4</sup> The requested rates are also consistent with the Kansas City area market rates reported by the *Missouri Lawyers Weekly* in September 2015. Exhibit A, attached; Benson Declaration, ¶ 4.

Plaintiffs' attorneys Bonney and Johnson both have more than thirty (30) years of litigation experience in federal court. Bonney Declaration, ¶¶ 1 & 2; Johnson Declaration, ¶¶ 1-5. Thus, an hourly rate of \$400 is well justified for attorneys Bonney and Johnson. Joshua Block has specific expertise in marriage equality litigation that was particularly helpful to lead counsel and that allowed lead counsel to be more efficient in representing Plaintiffs in this case. Block Declaration, ¶¶ 3 & 4; Bonney Declaration, ¶ 5. Thus, the Court should award fees for Mr. Block at \$400 per hour, which is the rate Mr. Block would command in New York. Block Declaration, ¶ 8. Dentons routinely bills for Ms. Wenger's litigation work at \$320 per hour. Wenger Declaration, ¶ 5. Thus, \$200 per hour is well within the market rates for associates in Kansas City with her experience. For all these reasons, the rates requested by Plaintiffs' counsel are

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<sup>4</sup> These rates are also consistent with the hourly rates awarded by other federal district courts considering fee petitions in marriage equality cases, which have awarded \$400 per hour to senior lawyers with experience similar to attorneys Bonney and Johnson. *See, e.g., Bishop v. Smith*, 112 F.Supp.3d at 1252; *Latta v. Otter*, 214 U.S. Dist. LEXIS 176103, \*31.

reasonable as judged by the rates charged by similarly experienced lawyers within the Kansas City market.

Using the above hours and rates yields a lodestar attorneys' fee of \$313,772.00.<sup>5</sup> Because Plaintiff obtained excellent results, prevailing entirely on their claims, the Court would be justified in awarding the lodestar fee, which would be a "fully compensatory fee." Nonetheless, in order to avoid a protracted fight over fees and expenses in this case, Plaintiffs' counsel have agreed to seek less than the full lodestar fee and have omitted time spent preparing this fee petition and supporting documents. Specifically, Plaintiffs are seeking only \$295,000.00 in attorneys' fees (nearly \$19,000.00 less than the lodestar fee).

Plaintiffs also seek an award of litigation expenses pursuant to § 1988. Reasonable expenses incurred in representing a client in a civil rights case should be included in the attorney's fee award if such expenses are usually billed in addition to the attorney's hourly rate." *Case v. Unified School Dist. No. 233*, 157 F.3d 1234, 1258 (10th Cir. 1995). *See also Mares v. Credit Bureau of Raton*, 801 F.2d 1197, 1209 (10th Cir. 1986) (travel and long distance telephone expenses allowed). Here, Plaintiffs seek reimbursement of reasonable, billable expenses in the amount of \$194.25 (mileage to depositions \$180.55) and tolls (\$13.70). Johnson Declaration, ¶ 10 & Johnson Declaration Exhibit 1. Lawyers in the Kansas City market routinely bill these expenses to clients. *Id.* Thus, the court should award expenses of \$194.25 as part of the reasonable attorneys' fees under 42 U.S.C. § 1988.

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<sup>5</sup> 745.98 hours x \$400 per hour = \$298,352.000; 77.1 hours x \$200 per hour = \$15,420.00.

Conclusion

For these reasons, Plaintiffs respectfully request that the Court grant this unopposed motion and award attorneys' fees, including recoverable litigation expenses, in the amount of \$295,194.25 (\$295,000.00 in attorneys' fees and \$194.25 in litigation expenses).

Respectfully submitted,

s/ Stephen Douglas Bonney  
Stephen Douglas Bonney, KS 12322  
ACLU Foundation of Kansas  
6701 W. 64th Street, Suite 210  
Overland Park, KS 66202  
Tel. (913) 490-4102  
Fax: (913) 490-4119  
Email: dbonney@aclukansas.org

Mark P. Johnson, KS Bar #22289  
Samantha J. Wenger, KS Bar #25322  
Dentons US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Tel.: (816) 460-2400; Fax: (816) 531-7545  
Email: mark.johnson@dentons.com

Joshua A. Block [admitted pro hac vice]  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
Tel: (212) 549-2593  
Email: jblock@aclu.org

ATTORNEYS FOR PLAINTIFFS

Certificate of Service

I certify that, on September 2, 2016, a copy of the foregoing document was counsel for Defendants by email through the Court's ECF system.

s/ Stephen Douglas Bonney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION

KAIL MARIE, *et al.*, )  
Plaintiffs, )  
 )  
v. ) Case No. 14-2518-DDC-TJJ  
 )  
SUSAN MOSIER, M.D., *et al.*, )  
Defendants. )

DECLARATION OF STEPHEN DOUGLAS BONNEY

I, Stephen Douglas Bonney, declare and state the following in support of Plaintiffs' Application for Attorneys' Fees:

1. I am an attorney admitted to practice before the state courts of Kansas and Missouri, the United States Supreme Court, the United States Courts of Appeals for the Eighth and Tenth Circuits, and the United States District Courts for the Western District of Missouri and the District of Kansas. I graduated from the University of Kansas School of Law in 1985. I have practiced law in the Kansas City Metropolitan Area since 1985. After graduating from law school, I was an Assistant Regional Attorney for the U.S. Department of Health & Human Services for a little over a year. From 1986 to 2008, I maintained a civil litigation practice in the areas of labor, employment, and civil rights law, primarily representing labor unions in law firms and as a sole practitioner. Between 1992 and 2008, I served as a volunteer member of the Legal Panel of the American Civil Liberties Union of Kansas & Western Missouri. In that capacity, I reviewed complaints about possible constitutional violations, advised the Board of Directors about possible litigation, and litigated many civil liberties issues. Since September 1, 2008, I have been

employed as the Chief Counsel and Legal Director of the American Civil Liberties Union Foundation of Kansas (previously known as the ACLU of Kansas & Western Missouri).

2. Since my admission to the bar, I have had substantial experience in civil litigation with a concentration in labor, employment, and civil rights cases. I have been a contributing author to *Employee Benefits Law* (BNA) and the *Fair Labor Standards Act Treatise* (BNA), and I am a published author of several articles on labor law, civil rights, and civil liberties. *See, e.g.*, “Opening Statement: To Reserve or Not to Reserve – That is the Question,” 18 Lab. & Emp. L. Notes 11 (Mich. Bar Summer 2008); “The University Campus as Public Forum: The Legacy of *Widmar v. Vincent*,” 81 UMKC L. Rev. 545 (2012); “Democracy’s Rainbow: The Long Ascent and Rapid Descent of Voting Rights in Kansas,” 25 Kan. J.L. & Pub. Pol’y 347 (2016). In my practice, moreover, I have successfully litigated many cases raising constitutional issues. *See, e.g.*, *Quinly v. City of Prairie Village*, 446 F. Supp.2d 1233 (D. Kan. 2006); *Beach v. City of Olathe*, 185 F. Supp.2d 1229 (D. Kan. 2002); *Webb v. City of Republic*, 55 F. Supp.2d 994 (W.D. Mo. 1999); *Goodman v. City of Kansas City*, 906 F. Supp. 537 (W.D. Mo. 1995); *Gay & Lesbian Services Network v. Bishop*, 832 F. Supp. 270 (W.D. Mo. 1993).

3. As a result of my professional experience, I am personally familiar with the billing practices of litigation firms and attorneys in the Kansas City Metropolitan Area. Attorneys in the Kansas City Metropolitan Area who have experience similar to mine (31 years of civil litigation with a concentration in civil rights) routinely bill for their work at rates ranging from \$400.00 per hour to \$650.00 per hour. Thus, the rate of \$400.00 per hour that I seek in this case is well within the market range for attorneys of my experience.

4. In this litigation before the District Court, I took the lead in communicating with Plaintiffs, drafting motions, briefs, and other papers for filing with the Court, investigating facts and assembling supporting evidence, researching legal issues raised by Defendants' many arguments and defenses, responding to Defendants' discovery requests, and dealing with defense counsel. I also took the lead in drafting the responsive brief that Plaintiffs filed with the Tenth Circuit in Defendants' interlocutory appeal of the Court's preliminary injunction order.

5. Joshua A. Block of the ACLU's LGBT & Aids Project provided essential assistance to me in this case, and that assistance allowed me to reduce the time I required to represent Plaintiffs in this case because it allowed me to avoid reinventing the wheel. Based on his extensive experience in other marriage equality litigation around the country including before the Supreme Court, Mr. Block provided expert guidance and editing of motions, briefs, and other papers filed with this Court. In addition, Mr. Block took the lead in drafting papers related to defendants' motion for an emergency stay from the Tenth Circuit and the Supreme Court.

6. Since the beginning of my representation of plaintiffs in this litigation, I have consistently maintained contemporaneous paper and computerized time and billing records reflecting the hours I have worked on this case. I have spent in excess of 460.4 hours representing plaintiff in merits portion of this case. Specifically, I spent 420.5 billable hours representing Plaintiffs on the merits portion of this case before the District Court, and I spent 39.9 hours representing Plaintiffs in the interlocutory appeal filed by Defendants. Throughout the course of this litigation, I have reviewed my time records and have exercised professional billing judgment, eliminating duplicative, unnecessary, and unproductive hours from my paper time slips and the computerized billing documents that I am now submitting to the court.

7. The lodestar attorneys' fees for my work on this case would total \$184,160.00 (460.4 hours x \$400 per hour).

8. The hours I spent working on this case were reduced because of the assistance of law clerks. We do not seek reimbursement for law clerk time.

9. The hourly rate, hours, and expenses reflected in this Declaration and its attachments are customary and reasonable and were necessarily incurred in representing Plaintiffs in this matter.

10. I submit that the total hours I have spent litigating this case and the total fees requested are reasonable given the complexity of the constitutional issues in this case and the quality of the work done on Plaintiffs' behalf. The hours and fees requested are also consistent with the time necessary to litigate a marriage equality case to judgment and are consistent with the hours I have spent litigating other cases involving constitutional rights. As the court is well aware, federal litigation, and particularly litigation involving constitutional issues, is time consuming. I also submit that the hourly rate requested is reasonable because it is consistent with the market rate for lawyers with my experience in the Kansas City Metropolitan Area.

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Executed on September 1, 2016.

s/ Stephen Douglas Bonney  
Stephen Douglas Bonney  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION

KAIL MARIE, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 14-2518-DDC-TJJ
	)	
SUSAN MOSIER, M.D., <i>et al.</i> ,	)	
Defendants.	)	

**DECLARATION OF JOSHUA A. BLOCK IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES**

I, Joshua A. Block, declare and state the following in support of Plaintiff’s Application for Attorneys’ Fees:

1. I am a senior staff attorney at the American Civil Liberties Union Foundation’s Lesbian, Gay, Bisexual, Transgender and HIV Project (“ACLU LGBT Project”). I practice exclusively in the area of the protection and expansion of civil liberties for LGBT people and people living with HIV.

2. I graduated from Yale Law School in 2005 and have eleven years’ experience. I have been an attorney at the ACLU LGBT Project since 2010. For four years prior to my employment at the ACLU, I was a litigation associate at the law firm Jenner & Block LLP.<sup>1</sup> Before then I served as a law clerk for the Hon. Robert D. Sack on the U.S. Court of Appeals for the Second Circuit.

3. I have expertise litigating cases seeking marriage equality for same-sex couples. I represented the Plaintiffs in *Obergefell v. Hodges*, No. 14-556, *Bourke v. Beshear*, No. 14-574,

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<sup>1</sup> I am not related to the firm’s named partner, Samuel Block.

and *United States v. Windsor*, 133 S. Ct. 2675 (2013), before the United States Supreme Court. In addition to representing Plaintiffs in this case, I also represented Plaintiffs seeking marriage equality before several other federal district courts, specifically in Missouri, *Lawson v. Kelley*, Case No. 14-0622-CV-W-ODS (W.D. Mo.), in Utah, *see Evans v. Utah*, 21 F. Supp. 3d 1192 (D. Utah 2014), and in Virginia, *see Bostic v. Schaefer*, 760 F.3d 352 (4th Cir.) *cert. denied sub nom. Rainey v. Bostic*, 135 S. Ct. 286, *and cert. denied*, 135 S. Ct. 308, *and cert. denied sub nom. McQuigg v. Bostic*, 135 S. Ct. 314 (2014).

4. My experience litigating issues related to marriage equality has allowed me to represent the Plaintiffs in this case with more efficiency and has reduced the number of hours I would otherwise have spent if litigating these issues for the first time.

5. In this case, I provided guidance to lead attorney Stephen Douglas Bonney, edited draft court filings prepared by Mr. Bonney, and assisted with discovery. I was primarily responsible for drafting Plaintiffs' filings with the Tenth Circuit and the United States Supreme Court regarding Defendants' request for a stay of this Court's preliminary injunction decision.

6. Since the beginning of my representation of Plaintiffs in this litigation, I have consistently maintained contemporaneous time and billing records reflecting the hours I have worked on this case. I have devoted 64.18 hours to this case. The work for which compensation is sought is detailed in an Excel spreadsheet, which constitutes the contemporaneous time record I kept in this case. I have exercised reasonable billing judgment to exclude hours that were not absolutely unnecessary, were duplicated by other attorneys, or were not adequately documented.

7. The attorney hours spent on this case were reduced because of the assistance of law clerks and a paralegal. We do not seek reimbursement for law clerk or paralegal time.

8. Based on my experience litigating in federal courts, I am familiar with the hourly rate for attorneys in the New York market with my years of experience, and that rate is \$400 per hour.

9. The hourly rate, hours, and expenses reflected in this affidavit and its attachments are customary and reasonable and were necessarily incurred in representing Plaintiff in this matter.

10. The lodestar attorneys' fee for my work on this case would total \$25,672.00 (64.18 hours x \$400 per hour).

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Executed on September 1, 2016.

/s/ Joshua A. Block  
Joshua A. Block

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION

KAIL MARIE, *et al.*, )  
Plaintiffs, )  
)  
v. ) Case No. 14-2518-DDC-TJJ  
)  
SUSAN MOSIER, M.D., *et al.*, )  
Defendants. )

DECLARATION OF MARK PERRIN JOHNSON

1. I, Mark Perrin Johnson, am an attorney admitted to practice in the State of Kansas, State of Missouri, the United States Supreme Court, the United States Courts of Appeals for the Eighth Circuit and Tenth Circuits, and the United States District Courts for the Western District of Missouri and the District of Kansas. I graduated from the Harvard University Law School in 1980. I have practiced law in the Kansas City Metropolitan Area since 1980.

2. After graduating from law school, I was an associate at Spencer, Fane, Britt & Browne until January 1, 1987, when I became a partner in that firm. I was a partner with Spencer, Fane, Britt & Browne until October, 1994, when I was one of the founding partners of the Kansas City office of Sonnenschein, Nath & Rosenthal. Through two names changes, that firm is known today as Dentons US LLP. Thus, I have been a partner in that firm for nearly twenty-two years. I was on the Sonnenschein management committee from 2007 to 2011.

3. In my practice I have developed expertise in a number of areas, including labor and employment, telecommunications regulation, First Amendment, election law, and campaign finance. I have taught at the University of Kansas since 2008, in the KU Journalism School and Law School. I have taught a course on election law and campaign finance in the Law School

since 2010, and with the spring semester of 2017, I will also be teaching a course on The First Amendment in the Law School. In the undergraduate school, I have taught courses on The First Amendment, privacy, and ethics. I have also annually taught a seminar to freshmen in the KU Honors Program since 2010, on topics such as The Dust Bowl, the origins of free speech, and privacy v. security.

4. I have been listed as a Best Lawyer in Missouri in every edition of Best Lawyers in America since 1995. In the forthcoming edition of the book, to cover the period 2017-18, I will be included in three areas: Energy Law, First Amendment, and Public Utility Law.

5. Since my admission to the bar, I have had substantial experience in civil litigation with a concentration in labor, employment, civil rights, and voting rights cases. I have appeared before many judges in the District of Kansas in my career, including Judges Rogers (before whom I tried my first case in 1981), Theis, Lungstrum, Vratil, Robinson, Van Bebber, and O'Connor (not to mention Judge Crabtree).

6. As a result of my professional experience, I am personally familiar with the billing practices of litigation firms and attorneys in the Kansas City Metropolitan Area. Attorneys in the Kansas City Metropolitan Area who have experience similar to mine (36 years of practice in numerous specialty areas, including civil litigation) routinely bill for their work at rates ranging from \$400.00 per hour to \$650.00 per hour. Thus, the rate of \$400.00 per hour that I seek in this case is well within the market range for attorneys of my experience.

7. Since the beginning of my representation of plaintiffs in this litigation, I have consistently maintained contemporaneous paper and computerized time and billing records reflecting the hours I have worked on this case. I have spent in excess of the 221.3 hours for which I seek

payment in representing plaintiffs in this case. Throughout the course of this litigation, I have reviewed my time records and have exercised professional billing judgment, eliminating duplicative, unnecessary, and unproductive hours from my paper time slips and the computerized billing documents that I my firm maintains on this case. For example, I eliminated a number of hours in the course of preparing the time records in the past few days, for submission to the Court.

8. The lodestar attorneys' fees for my work on this case would total \$88,520.00 (221.3 hours x \$400 per hour).

9. I submit that the total hours I have spent litigating this case and the total fees requested are reasonable given the complexity of the constitutional issues in this case and the quality of the work done on plaintiffs' behalf. To put it simply, the Defendants, on behalf of the State of Kansas, vigorously defended the claims brought in this case, and conceded absolutely no point of any consequence. As plaintiffs' counsel, my co-counsel and I were compelled to fight about points that might have been conceded in other litigation. The hours and fees requested are also consistent with the time necessary to litigate a marriage equality case to judgment and are consistent with the hours I have spent litigating other cases involving constitutional rights and voting rights. As the court is well aware, federal litigation, and particularly litigation involving constitutional issues, is time consuming. I also submit that the hourly rate requested is reasonable because it is consistent with the market rate for lawyers with my experience in the Kansas City Metropolitan Area.

10. Dentons US LLP requests reimbursement for costs and expenses incurred in this case. Specifically, Dentons US LLP paid \$1927.04 to the court reporting firm of Appino & Biggs for transcripts of the depositions that defendants took of all ten plaintiffs in March and

April 2015. The cost of deposition transcripts is taxable pursuant to 28 U.S.C. § 1920(2). In addition, Dentons US LLP seeks reimbursement for billable expenses in the total amount of \$194.25, which includes \$180.55 in mileage and \$13.70 in parking and tolls. These expenses were incurred by Dentons US LLP in the course of defending the depositions of the plaintiffs taken by the Defendants in Topeka. These expenses are routinely billed to clients in the Kansas City Metropolitan market. These expenses are set forth in a spreadsheet attached to Plaintiffs' Unopposed Motion for Attorneys' Fees, Costs, and Expenses as Johnson Declaration Exhibit 1.

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Executed on September 2, 2016.

s/ Mark P. Johnson  
Mark Perrin Johnson  
Attorney for Plaintiff

ACLU - Kansas Same-Sex Marriage Litigation			Expenses	
Dentons US LLP - 09500000-000962				
Date	Name / Invoice Number	Quantity	Amount	Description
4/10/2015	Mark P. Johnson	1	\$ 423.89	Outside Professional Services - - Vendor: APPINO & BIGGS REPORTING SERVICE, INC. Invoice No. 82107. Vendor=APPINO & BIGGS REPORTING SERVICE, INC. Balance= .00 Amount= 423.89 Check #739497 07/29/2015
4/10/2015	Mark P. Johnson	1	\$ 348.76	Outside Professional Services - - Vendor: APPINO & BIGGS REPORTING SERVICE, INC. Invoice No. 82119. Vendor=APPINO & BIGGS REPORTING SERVICE, INC. Balance= .00 Amount= 348.76 Check #739511 07/29/2015
4/10/2015	Mark P. Johnson	1	\$ 371.17	Outside Professional Services - - Vendor: APPINO & BIGGS REPORTING SERVICE, INC. Invoice No. 82109. Vendor=APPINO & BIGGS REPORTING SERVICE, INC. Balance= .00 Amount= 371.17 Check #739512 07/29/2015
4/10/2015	Mark P. Johnson	1	\$ 392.74	Outside Professional Services - - Vendor: APPINO & BIGGS REPORTING SERVICE, INC. Invoice No. 82086. Vendor=APPINO & BIGGS REPORTING SERVICE, INC. Balance= .00 Amount= 392.74 Check #739513 07/29/2015
4/10/2015	Mark P. Johnson	1	\$ 390.48	Outside Professional Services - - Vendor: APPINO & BIGGS REPORTING SERVICE, INC. Invoice No. 82129. Vendor=APPINO & BIGGS REPORTING SERVICE, INC. Balance= .00 Amount= 390.48 Check #739514 07/29/2015
4/15/2015	Samantha J. Wenger	132	\$ 75.90	Mileage SAMANTHA J WENGER TRAVEL TO AND FROM TOPEKA, KS TO ATTEND DEPOSITI Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	124	\$ 71.30	Mileage SAMANTHA J WENGER TRAVEL TO TOPEKA, KS, THEN ON TO MANHATTAN, KS Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	58	\$ 33.35	Mileage SAMANTHA J WENGER TRAVEL FROM MANHATTAN, KS TO TOPEKA, KS Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	1	\$ 2.00	Ground Transportation

				SAMANTHA J WENGER PARKING CHARGE Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	1	\$ 4.68	Ground Transportation SAMANTHA J WENGER TOLL CHARGES (2) Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	1	\$ 2.34	Ground Transportation SAMANTHA J WENGER TOLL CHARGE Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	1	\$ 2.34	Ground Transportation SAMANTHA J WENGER TOLL CHARGE Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
4/15/2015	Samantha J. Wenger	1	\$ 2.34	Ground Transportation SAMANTHA J WENGER TOLL CHARGE Vendor=SAMANTHA WENGER Balance= .00 Amount= 270.15 Check #63713 04/17/2015
	GRAND TOTAL: BILL:		2,121.29	

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KAIL MARIE, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 14-2518-DDC-TJJ
	)	
SUSAN MOSIER, M.D., <i>et al.</i> ,	)	
Defendants.	)	

**DECLARATION OF SAMANTHA J. WENGER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES**

I, Samantha J. Wenger, declare and state the following in support of Plaintiffs' Application for Attorneys' Fees:

1. I am an attorney at law, licensed to practice in the State of Kansas, and admitted to practice in this Court.
2. I am a managing associate at Dentons US LLP ("Dentons") in Kansas City, Missouri, the law firm representing Plaintiffs in the above-captioned case. I have personal knowledge of the facts set forth below, and if called as a witness, could and would completely testify thereto, under oath.
3. I served as counsel for Plaintiffs in the above-captioned case. I worked with lead counsel, Stephen Douglas Bonney, an attorney with the ACLU, and co-counsel Joshua Block, also with the ACLU, and Mark Johnson, a partner at Dentons, in the representation of the Plaintiffs.
4. I graduated from University of Missouri-Kansas City School of Law in 2011 and have five years' experience. I have been an attorney at Dentons since February 2015. I am a

member of Dentons' Litigation and Dispute Resolution practice. For four years prior to my employment at Dentons, I was a litigation associate at the law firm Husch Blackwell LLP.

5. The regular rate that Dentons charges for my services in the Kansas City area is \$320.00 per hour. Plaintiffs seek to recover \$200 per hour for my time, a rate that is comparable to the rates charged by firms of similar size, for attorneys of similar skill and experience, in the Kansas City metropolitan area.

6. Since the beginning of my representation of Plaintiffs in this litigation, I have consistently maintained contemporaneous time and billing records reflecting the hours I have worked on this case. I have devoted 77.1 hours to this case. The work for which compensation is sought is detailed in an Excel spreadsheet, which constitutes the contemporaneous time records kept in this case. Reasonable billing judgment has been exercised to exclude hours that were not absolutely unnecessary, were duplicated by other attorneys, or were not adequately documented. The lodestar attorneys' fee for my work on this case would total \$15,420.00 (77.1 hours times \$200 per hour).

7. In this case, I researched applicable case law, drafted briefs on various procedural issues, prepared Plaintiffs for their depositions, defended Plaintiffs' depositions, and assisted with discovery.

8. The attorney hours spent on this case were reduced because of the assistance of paralegals.

9. The hourly rate, hours, and expenses reflected in this declaration and its attachments are customary and reasonable and were necessarily incurred in representing Plaintiffs in this matter.

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Executed on September 1, 2016.

/s/ Samantha J. Wenger  
Samantha J. Wenger

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION

KAIL MARIE, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 14-2518-DDC-TJJ
	)	
SUSAN MOSIER, M.D., <i>et al.</i> ,	)	
Defendants.	)	

DECLARATION OF ARTHUR A. BENSON, II IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

I, Arthur A. Benson, II, declare and state the following in support of Plaintiffs' motion for attorneys' fees:

1. I am an attorney with the law firm Arthur Benson & Associates in Kansas City, Missouri. I make this declaration in support of Plaintiffs' Motion for Statutory Attorney Fees and Expenses Pursuant to 42 U.S.C. § 1988.

2. I received my law degree from the Northwestern University School of Law in 1969. I was admitted to the Missouri Bar in 1969, and have been admitted to practice in the United States District Courts for the Western District of Missouri and the District of Kansas, the United States Courts of Appeals for the Seventh, Eighth, and Tenth Circuits, and the United States Supreme Court.

3. Since entering the practice of law, I have focused primarily on civil rights and constitutional law. I have been chief counsel in numerous cases tried to judges and juries in the federal courts, including *Jenkins v. Missouri*, the Kansas City school desegregation case, in which I represented the plaintiffs. On numerous occasions dating back to the 1980s, I have been awarded

fees for work in civil rights and employment discrimination cases and for federal court litigation at all levels.

4. As a trial attorney in Kansas City, Missouri, I am familiar with the range of hourly rates charged by skilled and accomplished attorneys in the community. I have handled cases and trials in which attorneys' fees were recoverable pursuant to statutes or provisions in contracts. Also, I am familiar with the annual Missouri attorney billing rates information published by Missouri Lawyers Weekly.

5. It has been my experience that attorneys in the Kansas City area are reluctant to accept civil rights and employment cases on a contingent-fee basis. The risk associated with litigating these cases is very great, and few, if any, employment or civil rights litigants can afford to pay attorneys' fees or out-of-pocket expenses. Thus, when the cases are won, the rewards are not commensurate with the risks, unless an attorney can expect to obtain a substantial and fully compensable hourly rate.

6. Stephen Douglas Bonney is an experienced attorney and is well-respected in the Kansas City legal community. I have known Mr. Bonney professionally for many years. He obtained his law degree from the University of Kansas in 1985, and he has practiced in Kansas City since then. He has dedicated a substantial portion of his practice to defending constitutional and civil rights throughout his career and has participated as counsel in cases before this Court, the Eighth Circuit Court of Appeals, the Tenth Circuit Court of Appeals, and the United States Supreme Court, in addition to other federal courts. I have reviewed the Declaration that Mr. Bonney he has submitted with the Plaintiffs' Motion for Attorneys' Fees in *Marie v. Mosier*. The hourly rate of \$400 per hour requested by Mr. Bonney is a reasonable hourly and is consistent

with hourly rates charged by litigators with Mr. Bonney's experience and credentials who handle civil rights cases in the Kansas City area market.

7. I have also reviewed the Declarations that Mark P. Johnson, Joshua Block, and Samantha Wenger have submitted with Plaintiffs' Motion for Attorneys' Fees in *Marie v. Mosier*. I am acquainted with Mr. Johnson, who has practiced in Kansas City for many years and is a well-respected litigator. I believe that the \$400 per hour rate claimed by Mr. Johnson is imminently reasonable and consistent with rates charged by similarly experienced attorneys in the Kansas City marketplace. Although I am not personally acquainted with either Mr. Block or Ms. Wenger, I believe that the \$400 per hour rate claimed by Mr. Block and the \$200 per hour rate claimed by Ms. Wenger are imminently reasonable and consistent with rates charged by similarly experienced attorneys in the Kansas City marketplace.

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Executed on September 1, 2016.

s/ Arthur A. Benson, II  
Arthur A. Benson, II

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION

KAIL MARIE, *et al.*, )  
Plaintiffs, )  
)  
v. ) Case No. 14-2518-DDC-TJJ  
)  
SUSAN MOSIER, M.D., *et al.*, )  
Defendants. )

**DECLARATION OF FRED SLOUGH IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES**

I, Fred Slough, declare and state the following in support of Plaintiffs'

Application for Attorneys' Fees:

1. I am a partner with the firm of Slough, Connealy, Irwin & Madden, LLC. I have practiced law in the Kansas City metropolitan area for 42 years. Plaintiffs' employment discrimination and other civil rights cases, including many constitutional claims under 42 U.S.C. § 1983, have always been a significant part of my practice, and I have litigated and tried many such cases and others to judgment. Among other bar associations and legal organizations, I am a member of the Kansas City Chapter of the National Employment Lawyers' Association (NELA-KC) and the Missouri Association of Trial Attorneys. Furthermore, for many years before the committee was disbanded, I was a member and chairperson of the Civil Rights Committee of the Kansas City Metropolitan Bar Association (KCMBA).

2. In my years of litigation practice in Kansas City, I have become familiar with the hourly rates charged by attorneys litigating civil rights cases in the Kansas City metropolitan area. In 2016, the ranges of hourly rates charged by litigators in the Kansas

City area are as follows: \$400-650 per hour for experienced trial counsel (sometimes higher when unique expertise is required); \$300-400 per hour for attorneys with mid-level experience; and \$150-300 per hour for less experienced attorneys. These rates are corroborated by the 2015 billing rates survey published in the September 21, 2015 edition of the *Missouri Lawyers' Weekly*.

3. I have known Stephen Douglas Bonney for over twenty years and, during that time, have litigated many civil rights cases as co-counsel with Mr. Bonney. Mr. Bonney is an experienced attorney and is well-respected in the Kansas City legal community. He obtained his law degree from the University of Kansas in 1985, and he has practiced in Kansas City since then. Throughout his career, Mr. Bonney has dedicated a substantial portion of his practice to defending constitutional and civil rights and has participated as counsel in cases before this Court, the Eighth Circuit Court of Appeals, the Tenth Circuit Court of Appeals, and the United States Supreme Court, in addition to other federal courts.

4. I have reviewed the Declaration that Mr. Bonney has submitted in support of Plaintiffs' Motion for Attorneys' Fees in *Marie v. Mosier*. The hourly rate of \$400 per hour requested by Mr. Bonney is a reasonable hourly rate and is consistent with hourly rates charged by litigators in the Kansas City area market who have experience and credentials similar to Mr. Bonney's. In fact, in my opinion, the hourly rate requested by Mr. Bonney is a relatively low for someone with as much experience as Mr. Bonney has litigating constitutional rights.

5. I have also reviewed the Declarations that Mark P. Johnson, Joshua Block, and Samantha Wenger have submitted with Plaintiffs' Motion for Attorneys' Fees in



# BILLING RATES 2015



## OVERVIEW

# Showing which size matters

*Firm headcount factors as much as market in Billing Rates comparison*

BY HEATHER COLE

heather.cole@molawyersmedia.com

Stinson Leonard Street's work on a high-profile bankruptcy helped provide the Billing Rates data that shows firm size matters as much as market size when it comes to setting hourly rates.

The Kansas City-based firm took on a role in the bankruptcy of the Archdiocese of St. Paul and Minneapolis this year after bringing Minneapolis-based Leonard, Street and Deinard into the fold with a merger at the start of 2014.

The rates detailed by firms working on the bankruptcy allowed for a comparison with the Minneapolis-area market with those of Missouri's major met-

ros in Missouri Lawyers Weekly's eighth annual Billing Rates issue. The issue showcases an annual exclusive sampling of the hourly rates reported by firms in court filings.

This year we scooped up hourly rates for 197 attorneys and staffers, including 118 Missouri lawyers. Partner rates in the Missouri sampling ranged from Stinson partner Paul Hoffmann's \$600 an hour charge in another bankruptcy — that of "Old" Hostess in New York — to the \$145 charged by Brown & James' principals in a St. Louis insurance case.

The issue also includes rates for 17 Minneapolis attorneys, whose average hourly charge is higher than those of lawyers in St. Louis and Kansas City, reflecting its status as a larger and more expensive market (The average might also be affected by a smaller sample

size). But the comparison also shows that firm size appears to play an equal if not bigger role in the 2014 and 2015 attorney hourly rates gathered for Billing Rates.

The difference in average rates charged by partners at the smallest of firms in Missouri (fewer than 10 attorneys) in the sampling compared to those at the largest was 11 percent. The average Minneapolis partner included in the sampling charged \$448, or 7 percent more than the average partner in St. Louis and 11 percent more than the Kansas City average.

The analysis falls in line with the findings of the Real Rate Report, a national study issued a year ago that said law firm size is the factor with the largest

[SEE SIZE ON PAGE 3]

## LOCATION, LOCATION, LOCATION

*Post-merger, Stinson rates vary between KC, Minneapolis*

BY CATHERINE MARTIN

catherine.martin@molawyersmedia.com

Stinson Leonard Street ranked high on the 2015 Billing Rates list, with its attorneys occupying four out of 10 top spots for Missouri, including the highest rate reported.

Paul Hoffmann, a partner at the firm's Kansas City headquarters, snagged the

[SEE MERGER ON PAGE 2]

## METHODOLOGY

The hourly rates were gathered from applications for fees for work completed in 2014 and 2015 included in court filings.

Rate information from courts was gleaned from bankruptcy cases, class action lawsuits and cases where a winning side requested attorneys' fees from the loser.

In bankruptcy cases, attorneys and firms provided their "usual" rates in fee requests and applications for employment. In the class action lawsuits, plaintiffs' attorneys backed up their requests for contingency fees with records of hours worked on the case and placed an hourly rate value on their time.

## INCLUDED IN THE SAMPLING

- 118 Missouri attorneys
- 20 Missouri staff members
- 41 Out-of-state attorneys
- 18 Out-of-state staff members
- 47 Law firms

In cases where fees were requested from the loser, attorneys used the rate they charged that particular client or clients or

set what they said was a market-value rate for the work.

Attorneys and staff in offices near the metropolitan St. Louis area in Illinois were included in in-state rate charts.

## Some caveats:

- Attorneys' rates vary according to the client, previously agreed-upon rates and the type of work performed, so one listed rate for an attorney might not apply across the board.
- The rates are a sampling only, not an all-inclusive listing.
- Attorneys' rates may have changed.
- Attorneys are listed with the firm or

organization where they worked at the time a fee request or application for employment was made. They may since have changed firms.

- Information on titles, practice specialties and office locations was provided by firms, found on firm websites or found on sites including Jigsaw, ZoomInfo or LinkedIn. Practice listings were limited for space. N/A indicates information was not available or not applicable.

*Freelancer Jennie Goodman and senior reporter Heather Cole researched the listings. Cole, Goodman and staff reporter Catherine Martin analyzed the findings.*

## Well-known attorneys bank on their names

By CATHERINE MARTIN  
catherine.martin@molawyers.com

A big name can mean bigger dollars for an attorney, at least according to some attorneys whose names featured prominently in the news this year.

Missouri Lawyers Weekly's 2015 Billing Rates dataset includes rates for three "celebrity" attorneys — Anthony Gray, who represents Michael Brown's family in a civil lawsuit; Bevis Schock, who recently represented victorious clients in red light camera cases that went before the Missouri Supreme Court; and Chuck Hatfield, known by some as the "go-to guy" in Jefferson City for election law cases.

Of the three, Hatfield charged the highest rate: \$500 per hour. Hatfield, of Stinson Leonard Street, did not return a phone call seeking comment for this article.

Gray charged the lowest rate at \$375 an hour. In a phone interview, Gray confirmed that is his typical rate, and said it has been his rate for about two years.

Gray is also the newest to the "celebrity" list — he took the Brown case soon after Michael Brown's shooting death in Ferguson in August 2014. He isn't planning to change his rate right away — he said it's best not to increase a rate in the middle of a case — but he's considering an increase once some cases wrap up.

"The name recognition, I would have to be honest and say that it plays somewhat of a role," Gray said.

Since he took the case, Gray said calls to his office have "increased tremendously." His workload hasn't necessarily increased, he said, because he still limits how many cases he takes at a time. The increase in calls just allows him to be even more selective in what cases he does decide to take.

Although he said the name recognition could be a factor in setting a future billing rate, Gray stressed that work and experience are still the most important factors.

"I think over a course of time when lawyers gain more knowledge and more experience they understand things a little bit better and that tends to add a little increase to their worth, reflected in their hourly rate," he said. "You try to be modest and try to be reasonable and to set a rate that reflects the worth of your

knowledge and experience."

Schock agreed that it's really the work that sets the rate. In fact, the nature of the work affects what he charges for an hourly rate, which varies depending on the type of case.

Records show a rate of \$400 an hour for Schock, which he confirmed is the rate he charges for civil rights work. For appellate work in the civil rights area he charges \$450. For corporate work, he only charges \$350.



**Anthony Gray**  
\$375 an hour



**Bevis Schock**  
\$400 an hour



**Chuck Hatfield**  
\$500 an hour

charges, and a factor in a judge accepting that rate, Schock said.

"Hopefully with my reputation for bringing civil rights cases, the judge [would] say, 'You've won some of these, you've been doing this for 10 or 15 years, you've figured it out a little bit,'" Schock said. "It does matter what your reputation is."

If attorneys ask for too much, however, a judge can shut them down, as Senior U.S. District Judge Jean Hamilton did earlier this year in a civil rights case where attorneys asked for nearly \$1 million in fees. Hamilton called the fees "grossly excessive."

Schock said it's all about balance, and lawyers can't get "piggy."

"Bulls make money, bears make money and pigs get slaughtered," he said. **MO**

## Stinson says merger didn't alter its rates

[MERGER FROM PAGE 1]

top spot on the list with a rate of \$600 an hour, a significant jump from the \$485 rate he charged a different client in 2013. Missouri Lawyers Weekly reported that rate in last year's issue.

But that rate still falls below what at least one partner, Robert Kugler, is making in the firm's Minneapolis office. Minneapolis is the co-headquarters for the firm since Stinson Morrison Hecker merged with Minneapolis-based Leonard, Street and Deinard at the start of 2014.

Hoffmann did not respond to request for comment about his rate. Mark Hinderks, managing partner at Stinson, said in an email that the firm regards its "arrangements with clients, including our pricing structure for particular services in particular markets, as confidential."

He did however, say that "in general" the firm "did not raise rates based on our recent merger."

"We look at our rate structure each year in light of survey and other available competitive data, and then we select rates for each of our individual lawyers in our various markets," Hinderks wrote. "We completed that review in late 2014 and made rate adjustments in certain markets."

Data collected by Missouri Lawyers Weekly found that, on average, attorneys in Minneapolis-St. Paul bill at a higher rate than those in Kansas City, which makes sense as the cost of living in Minneapolis is higher.

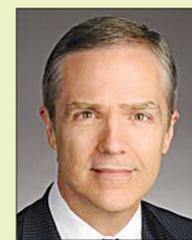
Among all attorneys, the average rate in Minneapolis was \$357, compared to \$328 in Kansas City. Partners in Minneapolis averaged \$448, compared to \$400 in Kansas City, and associates in Minneapolis averaged \$283, compared to \$228 in Kansas City.

At Stinson, however, the results are more mixed.

In a sample of Stinson rates Missouri Lawyers Weekly collected that included rates for seven associates, the lowest rate, \$220, belonged to a Kansas City associate, but so did the

highest rate of \$380.

Experience, of course, played a role. The associate with the \$220 rate also had the least experience, having only been admitted to



**Paul Hoffmann**

practice law in 2013. The Kansas City associate with the \$380, however, had less experience than other associates charging lower rates. Practice areas, which varied, could also be a factor.

Looking at partners, again by geography, a Kansas City attorney also had the lowest rate among In Missouri Lawyers Weekly's sample of Stinson partner rates, which included 12 partners.

But Kugler's \$620 rate only beat Hoffmann's by \$20, and the next two attorneys on the list are from Kansas City. Hoffmann does, however, have the upper hand in experience, with 33 years to Kugler's 27 years.

Factoring in experience does seem to show at least some geographic difference in partner pay. For example, a Minneapolis partner with 11 years of experience charges a rate of \$420, compared to a rate of \$340 from a Kansas City attorney with the same amount of experience.

Although Hinderks didn't comment on specific rates, he did say it's difficult to make generalizations.

"Often articles on law firm rates use as cited sources of those rates filings in bankruptcy or other limited context cases in which fees of particular lawyers are put in evidence," Hinderks wrote. "I would caution that it is very difficult, i.e., not really possible, to extrapolate from rates of individual lawyers in these circumstances to draw any broad conclusions about rate structures of other lawyers or their firms overall."

Stinson's rates, he continued "are set individually for individual lawyers, based upon their unique expertise and perceived or demonstrated market demand." **MO**

# Fee-shifting requests give a glimpse at how small firms do business

[SIZE FROM PAGE 1]

impact on rates. The annual report by legal management software and services companies Datacert and TyMetric analyzed more than \$16 billion in law firm invoices from 2007 to 2013. The two companies since have merged to become ELM Solutions, a Wolters Kluwer business.

The Real Rate Report analyzed more than 350 factors driving rates.

“Of all these factors, the size of the law firm was the most influential on rates, regardless of geography or the type of work performed,” according to a summary.

But location also influenced rates, with the widest variation in cities such as New York and Washington, D.C.

Corporations often buy legal services with a one-stop shop approach, bringing work to large firms that can handle a portfolio, from contracts to employment law, said

## AVERAGE RATES

### FIRM SIZE BY NUMBER OF ATTORNEYS

	1 - 10	10 - 30	70 - 230	340 - 985
All attorneys	\$311	\$351	\$336	\$398
Partners	\$390	\$392	\$407	\$459
Associates	--	--	\$246	\$397
Staff	--	--	\$174	\$179

*Includes in-state and out-of-state firms. A dash indicates sample size was too small (fewer than five rates) for an average.*

Dave Gorman, head of legal analytics for Wolters Kluwer. “There’s a comfort in that purchasing process where those law firms can ask for and at the end of the day get the higher rates,” Gorman said.

The Billing Rates sampling is just that — a sampling — but the net cast took in the rates of 47 firms from solo shops to Missouri’s highest grossing firm, Bryan Cave.

While Stinson’s big bankruptcy cases cast the firm in the starring role for this year’s Billing Rates, the sampling owes more than usual to cases where a party requested attorneys’ fees for sanctions or a winning side requested them from the loser. That’s one of the reasons it contains the rates of 18 Missouri firms fewer than 10 attorneys, giving a glimpse into how solo and small firms — where most of the state’s lawyers make their living — do business. **MO**

### HIGHEST MISSOURI RATES

RANK	FIRM	RATE	NAME	TITLE	CITY	PRACTICE
1	Stinson Leonard Street	\$600	Paul Hoffmann	Partner	Kansas City	Bankruptcy
2	Stinson Leonard Street	\$575	Philip McKnight	Partner	Kansas City	Employee benefits
3	Dowd Bennett	\$552	James Bennett	Partner	Clayton	Civil litigation, appeals
4	Thompson Coburn	\$550	David Warfield	Partner	St. Louis	Bankruptcy
5	Dowd Bennett	\$540	Edward Dowd Jr.	Partner	Clayton	Federal litigation
6	Armstrong Teasdale	\$525*	Byron Francis	Partner	St. Louis	Commercial litigation
7	Thompson Coburn	\$510*	Stephen Higgins	Partner	St. Louis	Commercial litigation
8	Stinson Leonard Street	\$500	Charles Hatfield	Partner	Jefferson City	Government solutions
9	Armstrong Teasdale	\$495*	David Going	Partner	St. Louis	Bankruptcy, commercial litigation
10	Stinson Leonard Street	\$475	Scott Hecht	Partner	Kansas City	Insurance litigation

Most expensive of attorneys in 118-attorney sampling.

### HIGHEST KANSAS CITY RATES

RANK	FIRM	HOURLY RATE	NAME	TITLE	CITY	PRACTICE
1	Stinson Leonard Street	\$600	Paul Hoffmann	Partner	Kansas City	Bankruptcy
2	Stinson Leonard Street	\$575	Philip McKnight	Partner	Kansas City	Employee benefits
3	Stinson Leonard Street	\$475	Scott Hecht	Partner	Kansas City	insurance litigation
4	Kuhlman & Lucas	\$450	Brad Kuhlman	Partner	Kansas City	Litigation
5	Polsinelli	\$450*	Brian Johnston	Shareholder	Kansas City	Bankruptcy
6	Stinson Leonard Street	\$450	Sharon Stolte	Partner	Kansas City	Bankruptcy
7	Foland, Wickens, Eisfelder, Roper & Hofer	\$400	W. James Foland	Principal	Kansas City	Personal injury and commercial litigation
8	McDowell Rice Smith & Buchanan	\$385*	Jonathan Margolies	Shareholder	Kansas City	Banking and finance, bankruptcy
9	Stinson Leonard Street	\$380	Samuel Wilkerson	Associate	Kansas City	Employee benefits
10	Spencer Fane Britt & Browne	\$375*	Barry Pickens	Partner	Kansas City	Corporate governance, probate and trust litigation, class actions, antitrust, IP litigation

Most expensive of Kansas City attorneys included in 118-attorney sampling.

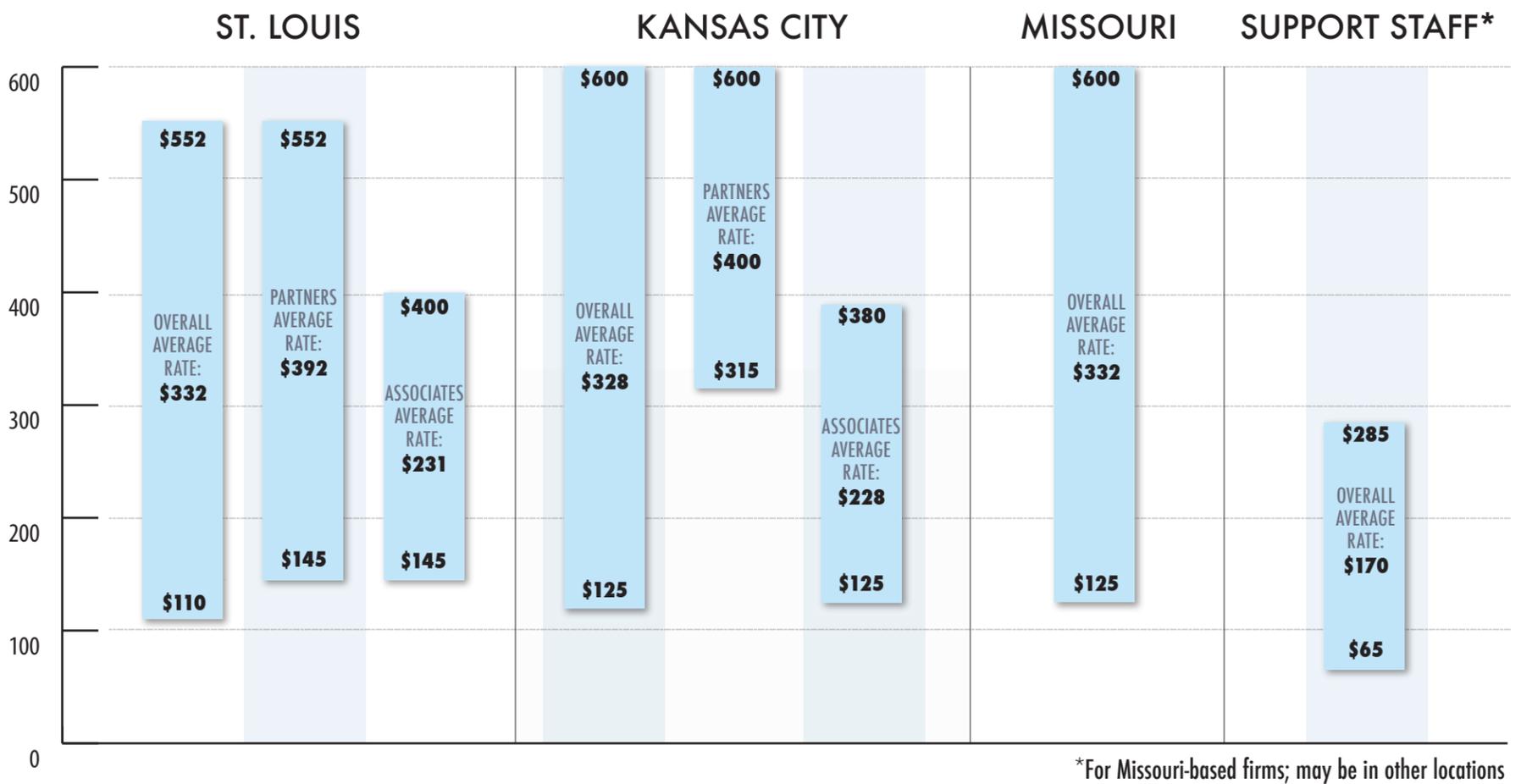
### HIGHEST ST. LOUIS RATES

RANK	FIRM	HOURLY RATE	YEAR	NAME	TITLE	PRACTICE
1	Dowd Bennett	\$552	2015	James Bennett	Partner	Civil litigation, appeals
2	Thompson Coburn	\$550*	2015	David Warfield	Partner	Bankruptcy
3	Dowd Bennett	\$540	2015	Edward Dowd Jr.	Partner	Federal litigation
4	Armstrong Teasdale	\$525*	2014	Byron Francis	Partner	Commercial litigation
5	Thompson Coburn	\$510	2015	Stephen Higgins	Partner	Litigation
6	Armstrong Teasdale	\$495*	2014	David Going	Partner	Bankruptcy, commercial litigation
7	Armstrong Teasdale	\$470*	2014	John Sant	Attorney	Bankruptcy
8	Thompson Coburn	\$460	2015	Ronald Haglof	Partner	Bankruptcy, corporate law
9	Thompson Coburn	\$455	2015	Christopher Reid	Partner	Corporate and securities law
10	Dobson, Goldberg, Berns & Rich	\$450*	2014	Jerry Dobson	Managing partner	Employment litigation, civil rights
10	Rudman & Smith	\$450*	2014	Derek Rudman	Partner	Personal injury, worker’s compensation, criminal defense

Most expensive of St. Louis attorneys included in 118-attorney sampling.

\*2014 rates

**ATTORNEY RATE RANGES**



**2015 IN-STATE RATES**

RATE	NAME	TITLE	CITY	PRACTICE
<b>AMERICAN CIVIL LIBERTIES OF MISSOURI</b>				
\$365	Anthony Rotherth	Legal director	St. Louis	Advocacy and litigation efforts on civil liberties issues
\$275	Grant Doty	Staff attorney	St. Louis	Advocacy and litigation efforts on civil liberties issues
<b>BEHR, MCCARTER &amp; POTTER</b>				
\$325	Jason Kinser	Partner	Clayton	Employment, professional negligence
<b>DOWD BENNETT</b>				
\$552	James Bennett	Partner	Clayton	Civil litigation, appeals
\$540	Edward Dowd Jr.	Partner	Clayton	Federal litigation
\$416	Megan Heinsz	Partner	Clayton	Complex civil litigation
\$384	Gabriel Gore	Partner	Clayton	Complex civil litigation, white collar defense
\$208	Nancy Carson	Paralegal	Clayton	Complex civil litigation
\$196	Matthew Crane	Associate	Clayton	Complex civil litigation, white collar defense
<b>DOWD &amp; DOWD</b>				
\$400	Douglas P. Dowd	President, managing partner	St. Louis	Litigation
\$400	Paul Lane	Of counsel	St. Louis	Litigation
\$300	Alex Lumaghi	Associate	St. Louis	Class action, consumer fraud, appellate law
\$300	Laura Lumaghi	Associate	St. Louis	Product liability, estate planning
\$245	Lia O. Dowd	Associate	St. Louis	Product liability, litigation
\$225	Greg Vescovo Jr.	Associate	St. Louis	Real estate, estate planning, probate
\$200	Kevin D. Lane	Associate	St. Louis	Litigation
<b>EDWARD GILKERSON, ATTORNEY AT LAW</b>				
\$200	Edward Gilkerson	Attorney	St. Louis	Family law
<b>FOLAND, WICKENS, EIFELDER, ROPER &amp; HOFER</b>				
\$400	W. James Foland	Principal	Kansas City	Personal injury and commercial litigation
\$325	Robert H Houske	Of Counsel	Kansas City	Insurance
<b>HESSE MARTONE</b>				
\$250	Lori Ann Schmidt	Senior attorney	St. Louis	Labor and employment, civil litigation
<b>HOLLINGSHEAD, PAULUS &amp; ECCHER</b>				
\$400	John Eccher	Partner	St. Louis	Criminal defense, DWI defense, plaintiff employment discrimination, plaintiff personal injury
\$400	Jeremy Hollingshead	Partner	St. Louis	Plaintiff employment discrimination, plaintiff personal injury
<b>HUSCH BLACKWELL</b>				
\$325	Benjamin F. Mann	Partner	Kansas City	Technology, manufacturing, transportation
\$325	John Cruciani	Partner	Kansas City	Technology, manufacturing, transportation
\$290	Christopher C. Miles	Associate	Kansas City	Technology, manufacturing, transportation

**2015 IN-STATE RATES (CONT.)**

RATE	NAME	TITLE	CITY	PRACTICE
<b>JOHN MITCHELL SALEEBY ESQ.</b>				
\$250	John Saleeby	Attorney	Clayton	N/A

**KUHLMAN & LUCAS**

\$450	Brad Kuhlman	Partner	Kansas City	Litigation
\$250	Lara Guscott	Attorney	Kansas City	Litigation

**MERRICK BAKER & STRAUSS**

\$350	Victor Weber	Attorney	Kansas City	Bankruptcy
\$350	Bruce Strauss	Partner	Kansas City	Bankruptcy

**O'LOUGHLIN, O'LOUGHLIN & KOETTING**

\$185	Erica Koetting	Attorney	Cape Girardeau	Bankruptcy
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**ROCHELLE STANTON, ATTORNEY AT LAW**

\$200	Rochelle Stanton	Attorney	St. Louis	Bankruptcy
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**STINSON LEONARD STREET**

\$600	Paul Hoffmann	Partner	Kansas City	Bankruptcy
\$575	Philip McKnight	Partner	Kansas City	Employee benefits
\$500	Charles Hatfield	Partner	Jefferson City	Government solutions
\$475	Scott Hecht	Partner	Kansas City	Insurance litigation
\$450	Sharon Stolte	Partner	Kansas City	Bankruptcy
\$380	Samuel Wilkerson	Associate	Kansas City	Employee benefits
\$375	Khristine Heisinger	Associate	Jefferson City	Government relations
\$365	Christopher Leopold	Of counsel	Kansas City	Business litigation
\$340	Robin Carlson	Partner	Kansas City	ERISA/Insurance litigation
\$290	Nicholas Zluticky	Associate	Kansas City	Bankruptcy and creditors rights
\$225	Mary Azeltine	Paralegal	Kansas City	N/A
\$220	Samuel Butler	Associate	Kansas City	Employment, employee benefits
\$220	Cari Matias	Support	Kansas City	Practice support
\$195	Cheri Diaz	Paralegal	Kansas City	N/A

**THOMPSON COBURN**

\$550	David Warfield	Partner	St. Louis	Bankruptcy
\$510*	Stephen Higgins	Partner	St. Louis	Litigation
\$460	Ronald Haglof	Partner	St. Louis	Bankruptcy, corporate law
\$455*	Christopher Reid	Partner	St. Louis	Corporate and securities law
\$430*	Claire Schenk	Partner	St. Louis	Business litigation
\$415*	Cheryl Kelly	Partner	St. Louis	Complex finance transactions, loan restructurings, bankruptcy, receivership, foreclosure
\$300*	Vitaly Libman	Associate	St. Louis	Bankruptcy
\$195	Karen Bauer	N/A	N/A	Intellectual property
\$185*	Ean Hundley	Paralegal	N/A	N/A
\$145*	Tina McElhattan	Litigation support analyst	St. Louis	Litigation

**WYSE LAW FIRM**

\$450	Stephen Wyse	Attorney	Columbia	Criminal defense, family law, personal injury
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\*Rates were included in Acartha Group receivership case. Attorneys for the receiver said most hourly rates for work done in the case have not been raised to reflect usual annual increases.

**2015 OUT-OF-STATE**

RATE	NAME	TITLE	CITY	PRACTICE
<b>BRIGGS AND MORGAN</b>				
\$525	Richard Anderson	Shareholder	Minneapolis	Financial institutions, real estate, bankruptcy
\$525	Lauren Lonergan	Director, shareholder	Minneapolis	Business litigation
\$525	Charles Rogers	Shareholder	Minneapolis	Litigation
\$450	Steve Brunn	Shareholder	Minneapolis	Employee benefits, labor
\$325	Susan Gelinske	Shareholder	Minneapolis	Business litigation
\$290	Aaron Thomas	Shareholder	Minneapolis	Business litigation
\$290	Daniel White	Associate	Minneapolis	Anti-trust, business litigation
\$260	Benjamin Gurstelle	Associate	Minneapolis	Bankruptcy, real estate, litigation
\$250	Kathleen Patton	Paralegal	Minneapolis	N/A
\$235	Jordan Weber	Associate	Minneapolis	Business litigation
\$200	Joyce Bartel	Paralegal	Minneapolis	N/A
\$200	Jessie Duxbury Cameron	Paralegal	Minneapolis	N/A
\$200	Donna Grelson	Paralegal	Minneapolis	N/A
\$190	Susan Redalen	Librarian	Minneapolis	N/A
\$185	Alexander Ormiston	Paralegal	Minneapolis	N/A
\$180	Heather Mills	Support	Minneapolis	N/A
\$165	Nancy Neibergs	Paralegal	Minneapolis	N/A
\$160	Janet Kowitz	Paralegal	Minneapolis	N/A
\$115	Nathan Ball	Support	Minneapolis	N/A

## 2015 OUT-OF-STATE (CONT.)

RATE	NAME	TITLE	CITY	PRACTICE
<b>THE LAW OFFICE OF JEFFREY CHAPDELAIN</b>				
\$500	Jeffrey Chapdelaine	Attorney	Boston	Criminal law, personal injury, DUI, employment law, family law

**LEWIS BRISBOIS BISGAARD & SMITH**

\$250	Andrew B. Clauss	Partner	Denver	Commercial litigation
\$200	Christopher W. Brophy	Of counsel	Denver	Commercial litigation
\$100	Ronald J. Bruyere	Paralegal	N/A	Commercial litigation
\$100	Jennifer Gordon	Paralegal	N/A	Commercial litigation
\$100	Daniel R. Mcintosh	Paralegal	N/A	Commercial litigation

**MEIER, KENNEDY & QUINN**

\$290	Charles Bichler	Attorney	St. Paul, Minnesota	Commercial construction, real estate
\$290	Thomas Wieser	Attorney	St. Paul, Minnesota	Defense of sexual abuse claims, employment law, civil litigation
\$225	John Gunderson	Attorney	St. Paul, Minnesota	Civil litigation, family law
\$225	Jennifer Larimore	Attorney	St. Paul, Minnesota	Litigation, churches and schools
\$150	Sandra Peterson	N/A	St. Paul, Minnesota	N/A

**POLSINELLI**

\$650	Christopher Ward	Shareholder	Wilmington, Del.	Bankruptcy
\$420	Shanti Katona	Shareholder	Wilmington, Del.	Bankruptcy
\$360	Jarrett Vine	Associate	Wilmington, Del.	Bankruptcy
\$265	Lindsey Suprum	Paralegal	Wilmington, Del.	Bankruptcy

**STINSON LEONARD STREET**

\$620	Robert Kugler	Partner	Minneapolis	Bankruptcy and creditor's rights
\$510	Marc Simpson	Partner	Minneapolis	Real estate litigation
\$420	Edwin Caldie	Partner	Minneapolis	Bankruptcy and commercial litigation
\$360	Amanda Schlitz	Associate	Minneapolis	Business and commercial litigation
\$340	Phillip Ashfield	Associate	Minneapolis	Bankruptcy and commercial litigation
\$270	Laura Nelson	Associate	Minneapolis	Provider, health plan and insurance law
\$570	Alisa Lacey	Partner	Phoenix	Bankruptcy and creditors rights
\$470	Christopher Simpson	Partner	Phoenix	Bankruptcy
\$410	Katherine Becker	Partner	Washington, D.C.	Bankruptcy
\$285	Aong Moua	Paralegal	Minneapolis	Bankruptcy and litigation

**THOMPSON COBURN**

\$350	Kathleen Kraft	Partner	Washington, D.C.	Public transit
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## 2014 IN-STATE

RATE	NAME	TITLE	CITY	PRACTICE
<b>ARMSTRONG TEASDALE</b>				
\$525	Byron Francis	Partner	St. Louis	Commercial litigation
\$495	David Going	Partner	St. Louis	Bankruptcy, commercial litigation
\$470	John Sant	Attorney	St. Louis	Bankruptcy
\$350	Daniel Cooper	Attorney	St. Louis	Tax and public finance
\$300	Robert Jackson	Senior tax counsel	St. Louis	Taxation
\$260	Eva Merrell	Paralegal	St. Louis	Public finance and real estate
\$260	David Willingham	Associate	St. Louis	Banking and finance
\$125	M. Scott	N/A	N/A	N/A

**BERMAN DELEVE KUCHAN & CHAPMAN**

\$247	Tracee Stout Norfleet	Associate	Kansas City	Bankruptcy
\$245	Ronald Weiss	Partner	Kansas City	Bankruptcy
\$226	Joel Pelofsky	Of counsel	Kansas City	Bankruptcy
\$75	Paya Toliver	Paralegal	Kansas City	N/A

**BROWN & JAMES**

\$145	Robert Brady	Principal	St. Louis	Arson-fraud, Litigation, insurance law, premises and retail liability, product liability
\$145	Michael Maguire	Principal	St. Louis	Arson-fraud, Litigation, insurance law, premises and retail liability, product liability
\$145	Stacey McCullough	Associate	St. Louis	Arson-fraud, Litigation, insurance law, premises and retail liability, product liability
\$65	Daniel Wojciechowski	Paralegal	N/A	N/A

**BRYAN CAVE**

\$441	Dennis C. Donnelly	Senior counsel	St. Louis	Labor and employment, class action, commercial litigation, employee benefits
\$392	Travis R. Kearbey	Partner	St. Louis	Labor and employment
\$198	Lily J. Kurland	Associate	St. Louis	Labor and employment

**DENNIS W. FOX & ASSOCIATES**

\$186	Traci L. Severs	Attorney	St. Louis	Social Security
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2014 IN-STATE (CONT.)				
RATE	NAME	TITLE	CITY	PRACTICE
<b>DOBSON, GOLDBERG, BERNS &amp; RICH</b>				
\$450	Jerry Dobson	Managing partner	St. Louis	Employment litigation, civil rights
\$350	Gregory Rich	Partner	St. Louis	Employment litigation
<b>DUBAIL JUDGE</b>				
\$250	William Smith	Member	St. Louis	Corporate law, real estate law, personal injury, civil litigation, employment law
<b>THE FRANKE LAW FIRM</b>				
\$400	Nicholas Franke	Principal	St. Louis	Bankruptcy
<b>HUGH A. EASTWOOD, ATTORNEY AT LAW</b>				
\$300	Hugh A. Eastwood	Attorney	St. Louis	Litigation
<b>JOHNSON GRAY</b>				
\$375	Anthony D. Gray	Partner	St. Louis	Municipal law, litigation
<b>LAW OFFICE OF JAMES M. POE</b>				
\$250	James Poe	Attorney	Springfield, Mo.	Bankruptcy
<b>LAW OFFICES OF RICK E. TEMPLE</b>				
\$210	Rick Temple	Attorney	Springfield, Mo.	Bankruptcy
\$110	Melinda Mullins	Paralegal	Springfield, Mo.	Bankruptcy
\$105	Ginger Cook	Paralegal	Springfield, Mo.	Bankruptcy
<b>MCDOWELL RICE SMITH &amp; BUCHANAN</b>				
\$385	Jonathan Margolies	Shareholder	Kansas City	Banking and finance, bankruptcy
\$335	Donald Scott	Shareholder	Kansas City	Banking and finance, bankruptcy
\$130	Madeline Palan	Associate	Kansas City	Litigation
\$125	Ania Moncrief	Associate	Kansas City	Litigation and dispute resolution
<b>MICKES, GOLDMAN O'TOOLE</b>				
\$275	Thomas O'Toole Jr.	Founding partner	St. Louis	Real estate, eminent domain, land use/zoning, construction litigation, mergers and acquisitions, corporate law, estate planning
\$250	Edward Miller Jr.	Attorney	St. Louis	Real estate
\$240	Sarah Rubenstein	Partner	St. Louis	Civil litigation, toxic torts, environmental litigation
\$205	Wendy Kasten	Associate	St. Louis	Education law, employment law, civil and commercial litigation
\$125	Erin Connelly	N/A	N/A	N/A
\$125	Johanna Shallenberger	Senior paralegal	St. Louis	N/A
<b>PLEBAN &amp; PETRUSKA LAW</b>				
\$325	C. John Pleban	Partner, Owner	St. Louis	Litigation
\$295	Lynette Petruska	Partner	St. Louis	Litigation
\$275	Brandy Barth	Attorney	St. Louis	Litigation
\$275	Mike Owens	Attorney	St. Louis	Litigation
<b>POLSINELLI</b>				
\$450	Brian Johnston	Shareholder	Kansas City	Bankruptcy
<b>RUDMAN &amp; SMITH</b>				
\$450	Derek Rudman	Partner	St. Louis	Personal injury, worker's compensation, criminal defense
\$250	Douglas Rudman	Attorney	St. Louis	Litigation, criminal defense, family law
\$250	Timothy Smith	Attorney	St. Louis	Personal injury, criminal defense
<b>SIMMONS HANLY CONROY</b>				
\$150	Michelle Hedger	Paralegal	N/A	N/A
\$150	Rose Mullikin	Paralegal	N/A	N/A
\$275	Jennifer Hightower	Associate	Alton, Illinois	Environmental litigation, personal injury, mesothelioma, asbestos
\$325	John Phillips	Associate	Alton, Illinois	Civil litigation
\$400	Jo Anna Pollock	Associate	Alton, Illinois	Environmental litigation, commercial litigation
\$550	Mike Angelides	Managing shareholder	Alton, Illinois	Mesothelioma, asbestos
\$550	William Kohlburn	Of counsel	Alton, Illinois	Mesothelioma, asbestos
\$550	Ted Gianaris	Shareholder	Alton, Illinois	Personal injury, mesothelioma, asbestos, environmental litigation
<b>SPENCER FANE BRITT &amp; BROWNE</b>				
\$375	Barry Pickens	Partner	Kansas City	Corporate governance, probate and trust litigation, class actions, antitrust, IP litigation
\$335	David Kight	Partner	Kansas City	Corporate counsel
\$315	Bryant Lamer	Partner	Kansas City	Litigation and dispute resolution, financial services, class action, data security and data breach response, white collar criminal defense
\$315	Douglas Weems	Partner	Kansas City	Business litigation
\$225	Lucinda Luetkemeyer	Associate	Kansas City	Complex commercial litigation

## 2014 IN-STATE (CONT.)

RATE	NAME	TITLE	CITY	PRACTICE
\$225	Casey Murray	Associate	Kansas City	Employment litigation, labor, litigation and dispute resolution, commercial sales litigation
\$205	Lara Pabst	Associate	Kansas City	Employment litigation, family law
\$200	Carlos Marin	Associate	St. Louis	Complex litigation
\$200	Lindsay Perkins	Associate	Kansas City	Legal writer and researcher
\$200	Brian Peterson	Associate	Kansas City	Labor and employment, commercial sales litigation
\$150	Kathie Tatman	Paralegal	N/A	N/A
\$140	Judy Craig	Paralegal	N/A	N/A

## SUMMERS COMPTON WELLS

\$325	David A. Sosne	Principal	St. Louis	Bankruptcy, litigation
\$290	Bonnie L. Clair	Principal	St. Louis	Bankruptcy
\$260	Brian J. LaFlamme	Principal	St. Louis	Bankruptcy
\$210	Graham D. Stevens	Associate	St. Louis	Business services, taxation, estate planning and real estate
\$110	Jared D. Howell	Law Clerk	St. Louis	N/A
\$110	Christy L. Hauck	Paralegal	St. Louis	N/A

## TATE LAW FIRM

\$375	Rufus Tate Jr.	Partner	St. Louis	Constitutional rights, consumer protection
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## THOMPSON COBURN

\$540	David Warfield	Partner	St. Louis	Bankruptcy
\$425	Benjamin Volk	Partner	St. Louis	Intellectual property
\$270	Vitaly Libman	Associate	St. Louis	Bankruptcy
\$260*	Brian Lamping	Associate	St. Louis	Business litigation
\$225*	Kristen Sanocki	Associate	St. Louis	Business litigation
\$155	Monica Velarde	Legal assistant	N/A	Intellectual property
\$150	Stacey Barger	Legal assistant	N/A	Intellectual property

## W. BEVIS SCHOCK, ATTORNEY AT LAW

\$400	W. Bevis Schock	Attorney	St. Louis	General practice
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## WUESTLING &amp; JAMES

\$350	Thomas Fagan	Attorney	St. Louis	Personal injury
\$300	Christopher Daming	Attorney	St. Louis	Corporate law

## 2014 OUT-OF-STATE

RATE	NAME	TITLE	CITY	PRACTICE
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## COZEN O'CONNOR

\$290	Joel Nasset	Member	Minneapolis	Bankruptcy
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## FORTUNO &amp; FORTUNO

\$180	Juan Rivera-Font	Partner	San Juan, Puerto Rico	General practice
\$180	Juan Carlos Fortuno Fas	Principal	San Juan, Puerto Rico	General practice

## GRAY PLANT MOOTY

\$550	Peter Klarfield	Principal	Washington, D.C.	Franchise and distribution
\$480	Jeffrey Karlin	Attorney	Canton, Mass.	Corporate counsel
\$380	Iris Rosario	Principal	Washington, D.C.	Franchise disputes, contract disputes, employment law violations
\$285	Leanne Olson	Paralegal	N/A	N/A
\$270	Maisa Jean Frank	Associate	Washington, D.C.	Commercial litigation, trademark infringement disputes,
\$255	Julie Colarusso	Associate	Washington, D.C.	Franchise law, contract disputes
\$255	Justin Sallis	Associate	Washington, D.C.	Franchise, business litigation and government investigations
\$225	Karli Peterson Hussey	Associate	Minneapolis	Franchise
\$185	Jose Garcia	Paralegal	N/A	N/A
\$160	Tracy Castillo	Paralegal	N/A	N/A

## LEWIS BRISBOIS BISGAARD &amp; SMITH

\$250	Andrew B. Clauss	Partner	Denver	Commercial litigation
\$200	Christopher W. Brophy	Of counsel	Denver	Commercial litigation
\$100	Jennifer Gordon	Paralegal	N/A	Commercial litigation
\$100	Ronald J. Bruyere	Paralegal	N/A	Commercial litigation
\$100	Daniel R. McIntosh	Paralegal	N/A	Commercial litigation

## THOMPSON COBURN

\$350*	Kathleen Kraft	Partner	Washington, D.C.	Public transit
\$295*	Jayna Rust	Associate	Washington, D.C.	Federal regulations, contracts, litigation

\*Rates were included in Acartha Group receivership case. Attorneys for the receiver said most hourly rates for work done in the case have not been raised to reflect usual annual increases.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KAIL MARIE, *et al.*, )  
Plaintiffs, )  
 )  
v. ) Case No. 14-2518-DDC-TJJ  
 )  
SUSAN MOSIER, M.D., *et al.*, )  
Defendants. )

**EXHIBIT INDEX IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES & EXPENSES**

The following exhibits are attached to Plaintiffs' Bill of Costs:

1. Declaration of Stephen Douglas Bonney;
2. Declaration of Joshua Block;
3. Declaration of Mark Perrin Johnson;
4. Declaration of Samantha Wenger;
5. Declaration of Arthur A. Benson II;
6. Declaration of Fred Slough;
7. Exhibit A, 2015 Attorneys' Billing Rates Survey by Missouri Lawyers Weekly.