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Attorneys' Fees

Third Edition

By Robert L. Rossi

Enclosed is June 2024 update for Attorneys' Fees, Third Edition. This enclosure replaces the 2023 update of this title. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

Filing Instructions

REMOVE and RECYCLE the 2023 edition of Attorneys' Fees.
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Highlights

New features and recent developments in this release include:

- A New York decision holding that while a determination that an attorney was discharged for cause so as to defeat the attorney's right to compensation may be based on either negligence or misconduct, more than a generalized dissatisfaction with counsel's services is required. See *Tirado-Sottosanyti v. Crowley* in § 3:13.
- A Tenth Circuit decision holding that a district court may make either a percentage reduction to a requested lodestar in order to compensate for partial success and defects in hours claimed, or instead adjust hours and/or hourly rates to calculate a new lodestar amount. See *Valdez v. MacDonald* in § 5:1.
- Opinions from several jurisdictions expressing different views with respect to the practice of using "block billing" in fee petitions. See *Doan Family Corp. v. Arnberger*; *Lakeside Retreats LLC v. Camp No Counselors LLC*; and *Minser v. Collect Access*, in § 5:2.
- An opinion of the West Virginia Supreme Court adopting the formulation of the common fund doctrine set forth in the Restatement and rejecting the contention that the common fund doctrine was primarily applicable only in class action cases. See *L&D Investments, Inc. v. Antero Resource Corp.* in § 7:1.

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- A 9th Circuit decision in a class action lawsuit in which the court reversed a fee award of \$1.7 million following a settlement that recovered \$50,000 for the class members, with the court stating that in determining the value of this “claims-made” class action settlement, the district court must disregard the theoretical \$20 million settlement cap and focus instead on the approximately \$50,000 paid to class members, along with any other benefits to the class. See *Lowery v. Rhapsody International, Inc.*, in § 7:9.

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