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Plaintiffs NATHAN FLOWERS and DONDAY ORR
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 UNLIMITED JURISDICTION

11 NATHAN FLOWERS *et al.*,

12 Plaintiffs,

13 v.

14 LOS ANGELES COUNTY
15 METROPOLITAN TRANSPORTATION
AUTHORITY; and DOES 1-50,

16 Defendants.
17

Civil Case No. BC515136

CLASS ACTION

ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE WILLIAM F. HIGHBERGER,
DEPARTMENT 10

**DECLARATION OF STEVEN G.
TIDRICK, ESQ. IN SUPPORT OF
PLAINTIFF'S MOTION FOR AWARD OF
ATTORNEYS' FEES AND COSTS AND
SERVICE AWARD**

Date: September 11, 2020

Time: 11:00 a.m.

Department: 10
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1 I, Steven G. Tidrick, do declare and state as follows:

2 1. I am a partner with The Tidrick Law Firm LLP, attorneys of record for
3 Plaintiffs in the above-entitled action. I am licensed to practice before all of the courts of the
4 States of California and Massachusetts, all U.S. District Courts in the State of California, and
5 the U.S. Court of Appeals for the First and Ninth Circuits. I have personal knowledge of the
6 facts set forth herein and, if called as a witness, I could and would competently testify thereto.

7 **The Tidrick Law Firm LLP**

8 2. The Tidrick Law Firm LLP, founded in 2008, concentrates its practice in class
9 action litigation and other complex litigation. The firm has represented numerous clients
10 across the United States in employment, wage and hour, and consumer class actions. The firm
11 regularly engages in major complex litigation, and has significant experience in wage and
12 hour class action lawsuits that are similar in size, scope, and complexity to this action.

13 3. Of particular relevance to this case, our firm has significant experience
14 representing transit operators in wage-and-hour class actions against public transit agencies,
15 as exemplified by our firm's appointment as class counsel in a lawsuit certified as a Rule
16 23(b)(3) class action on behalf of a class of individuals currently or formerly employed by the
17 City and County of San Francisco as bus and train operators. *See Stitt v. San Francisco Mun.*
18 *Transp. Agency*, Civil Case No. 4:12-cv-03704-YGR, Dkt. 189, 2014 WL 1760623 (N.D. Cal.
19 May 2, 2014) (order granting plaintiffs' motion for class certification). Shortly before trial, the
20 case settled. The court granted final approval of an \$8 million class action settlement for a
21 settlement class of 3,957 transit operators. *See Stitt v. San Francisco Mun. Transp. Agency*,
22 Civil Case No. 4:12-cv-03704-YGR, Dkt. 451 (N.D. Cal. July 19, 2017). *See also Rai v. Santa*
23 *Clara Valley Transportation Authority*, Civil Case No. 5:12-cv-04344-PSG, Dkt. 300 (N.D.
24 Cal. May 17, 2016) (granting final approval of \$4.2 million class action settlement for class of
25 1,576 transit operators); *Margulies v. Tri-County Metropolitan Transp. Dist. of Oregon*, Civil
26 Case No. 13-cv-00475-PK, Dkt. 233 (District of Oregon) (granting final approval of \$1.7
27 million settlement for class of 2,676 transit operators). In all of these cases, the gravamen of
28 the claims was the same as it is in this case, *i.e.*, that the public agency failed to pay transit

1 operators for all hours worked.

2 4. Our firm also has significant experience representing transit operators in wage-
3 and-hour class actions against private transit companies. In one such case, our firm obtained
4 class certification, took the case to trial, and obtained a unanimous jury verdict, which resulted
5 in a judgment of \$870,834.26 (not including an additional amount for attorneys' fees) for a
6 class of 84 transit operators, which yielded an average recovery of \$10,367.07 per class
7 member. *See Robinson v. Open Top Sightseeing San Francisco, LLC*, Civil Case No. 4:14-cv-
8 00852-PJH, Dkt. 239 (N.D. Cal. July 19, 2017). TopVerdict identified that as the largest court
9 award resulting from a class action trial in California in 2018. *See*
10 <https://topverdict.com/lists/2018/california/50-court-awards>.

11 5. The cases referenced above are just a few examples of our law firm's
12 experience that is relevant to this case. Indeed, over the last decade, our firm has prosecuted
13 approximately fifteen (15) putative wage-and-hour class actions against public transit
14 agencies and private transit companies. In addition, our firm has prosecuted numerous other
15 employment class actions. In this declaration, I have singled out the cases referenced above
16 because they provide the clearest points of comparison with this case.

17 6. In all of the cases referenced above, our firm served either as lead plaintiffs'
18 counsel or as the only plaintiffs' counsel.

19 **Experience of Steven G. Tidrick, Esq.**

20 7. I am a graduate of Harvard College (A.B. *magna cum laude* 1994, Phi Beta
21 Kappa) and Harvard Law School (J.D. 1999), where I was an editor of the *Harvard Law*
22 *Review*. After graduation from law school I clerked for the Honorable M. Margaret
23 McKeown, U.S. Court of Appeals for the Ninth Circuit (1999-2000). In 2000, upon
24 completion of my clerkship, I became a litigation associate in Boston, Massachusetts at the
25 law firm of Foley, Hoag & Eliot LLP (later re-named Foley Hoag LLP), took the
26 Massachusetts bar exam, and was admitted to the Massachusetts bar in 2001. I worked as a
27 litigation associate at Foley Hoag until 2003, when I became an associate at Boies, Schiller &
28 Flexner LLP, in its Oakland, California office, and was admitted to the California Bar. From

1 2003 until 2007, my practice focused on complex civil litigation and class actions. In 2007, I
2 switched from representing primarily defendants to representing primarily plaintiffs in class
3 actions, when I became a partner at the law firm of Girard Gibbs LLP in San Francisco.
4 I founded The Tidrick Law Firm in 2008 and since that time, plaintiff's-side employment
5 litigation has been and is my principal practice area. I am a member of the Labor and
6 Employment Section of the State Bar of California and the National Employment Law
7 Project's Wage and Hour Clearinghouse, among other organizations.

8 **Experience of Joel B. Young, Esq.**

9 8. My law partner Joel B. Young is a graduate of the University of California,
10 Berkeley (B.A. 2000) and the University of California, Berkeley School of Law, Boalt Hall
11 (J.D. 2004). He was admitted to the California Bar in June 2005 and is also admitted in
12 various federal courts. Before joining The Tidrick Law Firm, Mr. Young was associated with
13 Gunderson Dettmer LLP and Reed Smith LLP. Mr. Young is a former officer of the Charles
14 Houston Bar Association. Mr. Young has worked with me on all of the firm's class actions.

15 **Experience of Nicole Forde, Esq.**

16 9. Nicole E. Forde is a graduate of the University of California, Los Angeles
17 (B.A. 2009) and the University of California, Hastings College of the Law (J.D. 2012). Prior
18 to joining The Tidrick Law Firm, Ms. Forde was a law clerk at Cotchett, Pitre & McCarthy,
19 LLP (from May 2011 through November 2012), and a Legal Counselor at The Legal Aid
20 Society – Employment Law Center in San Francisco, California (from August 2011 through
21 December 2011). Ms. Forde was admitted to the California Bar in June 2013.

22 **Paralegals Amanda McCaffrey, Monica Price, and Erika Valencia**

23 10. Amanda McCaffrey received her bachelors degree from the University of
24 California, Berkeley, in 2013, graduating with High Distinction and Phi Beta Kappa. Before
25 joining the firm, she was a civil case intern with another law firm in California where she
26 drafted discovery requests, drafted trial briefs, and compiled discovery in cases including
27 employment discrimination, wrongful termination, personal injury, social security, workers'
28 compensation, and family law. She matriculated at Stanford Law School in the fall of 2017.

1 11. Monica Price received her bachelors degree from the University of California,
2 Berkeley, in 2013. Her coursework included classes in Legal Studies. She matriculated at the
3 University of California Hastings College of the Law in 2017.

4 12. Erika Valencia received her bachelors degree from the University of
5 California, Berkeley, in 2013. As an undergraduate she was a member of the Latino Pre-Law
6 Society. Before joining the firm, she was a Legal Intern at City Attorney's Office of Hayward,
7 California.

8 **Class Counsel's Lodestar**

9 13. Based on detailed contemporaneous time records, the lodestar of The Tidrick
10 Law Firm LLP in this action is \$550,103.00, which is the sum of the following:

- 11 a. Partner Steven G. Tidrick, Esq., 325.6 hours multiplied by hourly rate of
12 \$825/hour = \$268,620.00, for time spent: investigating claims; reviewing
13 documents; researching and drafting the complaint and amended complaints;
14 conferring with opposing counsel; researching and drafting opposition to
15 defendant's petition to compel arbitration; researching and drafting opposition
16 to defendant's demurrer; reviewing Defendant's answer and research
17 regarding the same; researching and drafting respondent's brief on appeal;
18 preparing for and arguing appeal; researching and drafting petition for review
19 by the California Supreme Court; reviewing Defendant's discovery responses
20 and document production; preparing for and taking depositions; researching
21 and drafting motion for leave to file fourth amended complaint, and reply in
22 support of same; researching and drafting motion for class certification, and
23 reply in support of same; conferring with J. Young regarding case strategy and
24 settlement; drafting motion for preliminary approval of settlement.
- 25 b. Partner Joel B. Young, Esq., 358.4 hours multiplied by hourly rate of
26 \$740/hour = \$265,216.00, for time spent: conferring with clients;
27 investigating claims; conferring with S. Tidrick re case strategy; reviewing
28 documents; researching and drafting the complaint and amended complaints;

1 conferring with opposing counsel; researching and drafting opposition to
2 petition to compel arbitration and demurrer, preparing for hearing and arguing
3 the motions; reviewing Defendant's answer; researching and drafting appeal
4 brief; drafting discovery requests; reviewing Defendant's discovery responses;
5 preparing for depositions; defending Plaintiff's deposition; conferring with N.
6 Forde and paralegals; participating in mediation; negotiating settlement;
7 drafting settlement agreement; and conferring with S. Tidrick re motion for
8 preliminary approval.

9 c. Associate Nicole Forde, 31.0 hours multiplied by hourly rate of \$325/hour =
10 \$10,075.00, for time spent: drafting amended complaint; drafting opposition
11 to demurrer; drafting opposition to petition to compel arbitration; drafting
12 motion and declaration and supporting papers.

13 d. Paralegal Amanda McCaffrey, 11.2 hours multiplied by hourly rate of
14 \$180/hour = \$2,016.00, for time spent: calendaring; preparing mailings;
15 document intake; drafting discovery responses; client communications;
16 managing documents.

17 e. Paralegal Monica Price, 5.3 hours multiplied by hourly rate of \$180/hour =
18 \$954.00, for time spent: drafting correspondence; confer with S. Tidrick;
19 investigation; managing documents.

20 f. Paralegal Erika Valencia, 17.9 hours multiplied by hourly rate of \$180/hour =
21 \$3,222.00, for time spent: drafting declarations; interviewing witnesses;
22 managing documents; mailing documents; calendaring; confer with J. Young.

23 Reasonableness of the Hours and Hourly Rates

24 14. Other courts have approved The Tidrick Law Firm's hours and hourly rates as
25 being reasonable, including the hourly rates requested in this fee application. *See Kinney v.*
26 *National Express Transit Servs. Corp.*, Case No. 2:14-cv-01615-TLN-DB (E.D. Cal. January
27 23, 2018) (Nunley, J.) (finding my hours and hourly rate of \$825/hour to be reasonable, and
28 likewise with respect to Mr. Young's hours and hourly rate of \$740/hour, stating "The Court

1 finds that Class Counsel’s hours and hourly rates are reasonable.”); *Jones v. San Diego*
2 *Metropolitan Transit System*, 2017 WL 5992360, at *5 (S.D. Cal. Nov. 30, 2017) (Crawford,
3 M.J.) (finding my hours and hourly rate of \$825/hour to be reasonable, and likewise with
4 respect to Mr. Young’s hours and hourly rate of \$740/hour, stating “The Court finds that
5 counsel’s hours and hourly rates are reasonable.”); *Enamorado v. Lush, Inc.*, Civil Case No.
6 RG19018678 (Alameda County Superior Court), Order of Feb. 18, 2020, at ¶ 5 (finding my
7 hours and hourly rate of \$825/hour to be reasonable, and likewise with respect to Mr. Young’s
8 hours and hourly rate of \$740/hour, stating “Plaintiff’s counsel’s hours and hourly rates are
9 reasonable”); *Munoz v. Big Bus Tours Limited*, Civil Case No. 3:18-cv-05761-SK (N.D. Cal.),
10 Order of Feb. 21, 2020 (finding my hours and hourly rate of \$825/hour to be reasonable, and
11 likewise with respect to Mr. Young’s hours and hourly rate of \$740/hour, stating “the court
12 finds that Class Counsel’s hours and hourly rates are reasonable”). The courts in *Kinney* and
13 *Jones* also approved the paralegal hourly rate of \$180/hour as reasonable.

14 15. In earlier years, courts have approved as being reasonable The Tidrick Law
15 Firm’s hourly rates that were previously in effect. *See, e.g., Williams v. SuperShuttle Int’l,*
16 *Inc.*, 2015 U.S. Dist. LEXIS 19341, at *5 (N.D. Cal. Feb. 12, 2015) (Orrick, J.) (finding my
17 hours and hourly rate of \$750/hour to be reasonable, and likewise with respect to Mr. Young’s
18 hours and hourly rate of \$675/hour, stating “The Court finds that Class Counsel’s hours and
19 hourly rates are reasonable”); *Bradford v. Lux Bus America Co.*, Civil Case No. CGC-12-
20 526030 (San Francisco Superior Court) (Robertson, J.), Order of April 16, 2015, at 4:27-28
21 (finding my hours and hourly rate of \$750/hour to be reasonable, and likewise with respect to
22 Mr. Young’s hours and hourly rate of \$675/hour, stating “The Court finds that Class Counsel’s
23 hours and hourly rates are reasonable.”); *Armstrong v. Bauer’s Intelligent Transp., Inc.*, 2015
24 U.S. Dist. LEXIS 134863, at *6 (N.D. Cal. Sept. 21, 2015) (Chesney, J.) (finding my hours
25 and hourly rate of \$750/hour to be reasonable, and likewise with respect to Mr. Young’s hours
26 and hourly rate of \$675/hour, stating “The Court finds that Class Counsel’s hours and hourly
27 rates are reasonable.”); *Rai v. Santa Clara Valley Transportation Authority*, Case No. 5:12-cv-
28 04344-PSG, Dkt. 300, ¶ 22 (N.D. Cal. May 17, 2016) (Grewal, J.) (finding my hours and

1 hourly rate of \$750/hour to be reasonable, and likewise with respect to Mr. Young’s hours and
2 hourly rate of \$675/hour, stating “The Court finds that Class Counsel’s hours and hourly rates
3 are reasonable.”). The court in *Williams v. SuperShuttle Int’l, Inc.*, 2015 U.S. Dist. LEXIS
4 19341, at *5 (N.D. Cal. Feb. 12, 2015) (Orrick, J.) also approved associate Nicole Forde’s
5 hours and hourly rate of \$325/hour as reasonable.

6 16. The hourly rates requested in this application are comparable to, or lower than,
7 rates charged by other law firms in California employment class actions. For example, in
8 *Nitsch v. DreamWorks Animation SKG Inc.*, 2017 WL 2423161, at *9 (N.D. Cal. June 5,
9 2017), the court found that hourly rates of up to \$1,200 per hour—far above Class Counsel’s
10 requested hourly rates here—for plaintiffs’ class action lawyers based in California were “fair,
11 reasonable, and market-based, particularly for the ‘relevant community’ in which counsel
12 work.” Similarly, in *Koz v. Kellogg Co.*, 2013 U.S. Dist. LEXIS 129205 (C.D. Cal. Sept. 10,
13 2013), the court approved attorney hourly rates of up to \$950. *See id.* at *23–24.

14 17. A true and correct copy of the *Laffey* matrix as of 2019 is attached hereto as
15 **Exhibit 1**. In order to account for regional variations in reasonable billing rates, courts have
16 held that an adjustment from *Laffey* matrix in accordance with the locality pay differentials
17 applicable to the federal judiciary is appropriate. *See, e.g., Garnes v. Barnhardt*, 2006 WL
18 249522, at *7 (N.D. Cal. Jan. 31, 2006) (Walker, C.J.) (“It is this court’s practice to adjust
19 fees drawn from the *Laffey* matrix in accordance with the locality pay differentials applicable
20 to the federal judiciary, an agency that employs legal professionals throughout the United
21 States. *See* <http://www.opm.gov/oca/05tables/pdf/salhr.pdf>. The Washington-Baltimore area
22 is subject to a +15.98% locality pay differential, whereas the Los Angeles-Long Beach-
23 Riverside area is subject to a 23.18% locality pay differential. The discrepancy between these
24 two percentages-6.2%-amounts to the upward adjustment from the *Laffey* rates to which Mr
25 McIntyre and Madrigal are entitled.”); *Chanel, Inc. v. Doan*, 2007 WL 781976, at *7 (N.D.
26 Cal. Mar. 13, 2007) (Walker, J.) (similar).

27 18. The locality differentials published in 2019 by the federal government source
28 that the court in *Garnes* referenced indicate that the Washington-Baltimore area is subject to a

1 +29.32% locality pay differential, whereas the San Jose-San Francisco-Oakland is subject to a
2 +40.35% locality pay differential. See <https://www.federalpay.org/gs/locality>, a true and
3 correct printout of which is attached hereto as **Exhibit 2**. The discrepancy between these two
4 percentages—8.5%¹—amounts to the upward adjustment from the *Laffey* rates that accounts
5 for differences in the applicable regional marketplaces.² After making that upward adjustment
6 of 8.5%, the *Laffey* matrix indicates that a reasonable hourly rate for an attorney in the San
7 Francisco Bay Area with 11-19 years of experience is **\$810/hour**, and a reasonable hourly rate
8 for an attorney in the San Francisco Bay Area with 20+ years of experience is **\$975/hour**.

9 19. An upward adjustment from the *Laffey* matrix is supported by an article
10 reporting on a survey of law firm billing rates published in the *San Francisco Daily Journal*
11 on August 10, 2012. According to this survey, the 2012 average billing rate in the San
12 Francisco market was \$675 for a partner, up from \$654 in 2011, and \$482/hour for an
13 associate, up from \$449/hour in 2011. Those rates are significantly higher than the rates
14 indicated by the *Laffey* matrix for the year 2012. A true and correct copy of that article is
15 attached hereto as **Exhibit 3**.

16 20. The hourly rates set forth in the *Laffey* matrix and the *San Francisco Daily*
17 *Journal* reflect those rates that are charged where full payment is expected promptly upon the
18 rendition of the billing and without consideration of factors other than hours and rates. If any
19 substantial part of the payment were to be contingent or deferred for any substantial period of
20 time, the fee arrangement would typically be adjusted so as to compensate the attorneys for
21 those factors. In my experience, fee awards are almost always determined based on current
22 rates, *i.e.*, the attorney's rate at the time when a motion for fees is made, rather than the
23 historical rate at the time the work was performed. This is a common and accepted practice
24 that provides some compensation to attorneys for the delay in being paid.

25 21. In cases where compensation is contingent on success, attorneys are frequently

26 ¹ $(140.35-129.32)/129.32 = 0.08529$, or about 8.5%.

27 ² According to the *Laffey* matrix, in the timeframe of June 2019 through May 2020, an attorney
28 with 11-19 years of experience may charge a reasonable hourly rate of \$747/hour, and an attorney
with 20+ years of experience may charge a reasonable hourly rate of \$899/hour. See Exhibit B.

1 compensated at significantly higher effective hourly rates, particularly where, as in this case,
2 the result is uncertain. As the case law recognizes, this does not result in any undue “bonus”
3 or “windfall.” In the legal marketplace, a lawyer who assumes a significant financial risk on
4 behalf of a client reasonably expects that his or her compensation will be significantly greater
5 than if no risk was involved (for example, if the client paid the bill on a monthly basis), and
6 that the greater the risk, the greater the “enhancement.” Adjusting court-awarded fees upward
7 in contingent fees cases to reflect the risk of recovering no compensation whatsoever for
8 many hours of labor makes those fee awards consistent with the legal marketplace, and thus
9 helps to ensure that meritorious cases will be prosecuted, important public policies will be
10 enforced, and individuals with meritorious legal claims will be better able to obtain qualified
11 attorneys.

12 22. The attorneys’ fees request here, \$485,000, is about 88% of the lodestar, which
13 is \$550,103. Thus, the requested fee award results in a “negative multiplier,” which supports a
14 finding that the requested attorneys’ fee award is reasonable and fair.

15 23. The fee request is reasonable, among other reasons, because of the risks
16 associated with Plaintiffs’ counsel’s contingent-based representation. Plaintiffs’ counsel
17 should be compensated for their work because “[i]t is an established practice to reward
18 attorneys who assume representation on a contingent basis with an enhanced fee to
19 compensate them for the risk that they might be paid nothing at all.” *Thieriot v. Celtic Ins.*
20 *Co.*, 2011 WL 1522385 at *6 (N.D. Cal. Apr. 21, 2011).

21 **Costs**

22 24. The Settlement Agreement permits a request for reimbursement for incurred
23 litigation costs. To date, counsel have advanced all costs incurred in this case. The attached
24 **Exhibit 4** is a true and correct accounting of incurred litigation expenses in this matter,
25 totaling \$17,247.57. All of these costs have been necessary to the prosecution of this litigation
26 and would normally have been billed to a client paying for counsel’s services on a regular
27 basis. These costs are reasonable.

28 //

1 **Conclusion**

2 25. The financial risk that The Tidrick Law Firm LLP incurred in prosecuting this
3 case was substantial. As a two-partner law firm, we filed and litigated these cases
4 understanding from the outset that the result of the action would be uncertain, and that there
5 was no hope of compensation or reimbursement unless we succeeded. If this case had been
6 unsuccessful, we would not receive compensation for any of our billable time.

7 26. Significant billing judgment has been exercised. Given the long duration of this
8 litigation, the billing is quite modest. Indeed, we staffed this case very efficiently.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Executed on June 26, 2020.

12 

13
14 STEVEN G. TIDRICK

Exhibit 1

LAFFEY MATRIX

History

Case Law

Expert Opinions

See the Matrix

Contact us

Home

Links

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389

6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *McDowell v. District of Columbia*, Civ. A. No. 00-594 (RCL), LEXSEE 2001 U.S. Dist. LEXIS 8114 (D.D.C. June 4, 2001); *Salazar v. Dist. of Col.*, 123 F.Supp.2d 8 (D.D.C. 2000).

* "Years Out of Law School" is calculated from June 1 of each year, when most law students graduate. "1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). "4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier "1-3" from June 1, 1996 until May 31, 1999, would move into tier "4-7" on June 1, 1999, and tier "8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

Exhibit 2

General Schedule (GS) Locality Pay Map

There are a total of 53 **General Schedule Locality Areas** (including 6 localities that were added in 2019), which were established by the GSA's Office of Personnel Management to allow the General Schedule Payscale (and the LEO Payscale, which also uses these localities) to be adjusted for the varying cost-of-living across different parts of the United States.

Each Locality Area has a Locality Pay Adjustment percentage, updated yearly, which specifies how much over the GS Base Pay government employees working within that locality will earn.

Therefore, localities with a higher cost of living have a higher adjustment percentage than cheaper localities. To automatically calculate location-adjusted pay, use our [GS Pay Calculator](#).

GS Locality Name	Main Area	Code	Pay Adjustment	Year
ALBANY-SCHENECTADY, NY-MA	Albany, New York	ALB	17.19%	2019
ALBUQUERQUE-SANTA FE-LAS VEGAS, NM	Albuquerque, New Mexico	ALQ	16.2%	2019
ATLANTA--ATHENS-CLARKE COUNTY--SANDY SPRINGS, GA-AL	Atlanta, Georgia	ATL	21.64%	2019
AUSTIN-ROUND ROCK, TX	Austin, Texas	AUS	17.46%	2019
BIRMINGHAM-HOOVER-TALLADEGA, AL	Birmingham, Alabama	BH	15.77%	2019
BOSTON-WORCESTER-PROVIDENCE, MA-RI-NH-ME	Boston, Massachusetts	BOS	28.27%	2019
BUFFALO-CHEEKTOWAGA, NY	Buffalo, New York	BU	19.67%	2019
BURLINGTON-SOUTH BURLINGTON, VT	Burlington, Vermont	BN	16.18%	2019
CHARLOTTE-CONCORD, NC-SC	Charlotte, North Carolina	CHA	16.79%	2019
CHICAGO-NAPERVILLE, IL-IN-WI	Chicago, Illinois	CHI	28.05%	2019
CINCINNATI-WILMINGTON-MAYSVILLE, OH-KY-IN	Cincinnati, Ohio	CIN	20.21%	2019
CLEVELAND-AKRON-CANTON, OH	Cleveland, Ohio	CLE	20.45%	2019
COLORADO SPRINGS, CO	Colorado Springs, Colorado	COS	17.19%	2019
COLUMBUS-MARION-ZANESVILLE, OH	Columbus, Ohio	COL	19.47%	2019
CORPUS CHRISTI-KINGSVILLE-ALICE, TX	Corpus Christi, Texas	CC	16.01%	2019
DALLAS-FORT WORTH, TX-OK	Dallas, Texas	DFW	24.21%	2019
DAVENPORT-MOLINE, IA-IL	Davenport, Iowa	DAV	16.49%	2019
DAYTON-SPRINGFIELD-SIDNEY, OH	Dayton, Ohio	DAY	18.61%	2019
DENVER-AURORA, CO	Denver, Colorado	DEN	26.3%	2019
DETROIT-WARREN-ANN ARBOR, MI	Detroit, Michigan	DET	26.81%	2019
HARRISBURG-LEBANON, PA	Harrisburg, Pennsylvania	HAB	16.65%	2019
HARTFORD-WEST HARTFORD, CT-MA	Hartford, Connecticut	HAR	28.87%	2019
HOUSTON-THE WOODLANDS, TX	Houston, Texas	HOU	32.54%	2019
HUNTSVILLE-DECATUR-ALBERTVILLE, AL	Huntsville, Alabama	HNT	19.18%	2019
INDIANAPOLIS-CARMEL-MUNCIE, IN	Indianapolis, Indiana	IND	16.57%	2019
KANSAS CITY-OVERLAND PARK-KANSAS CITY, MO-KS	Kansas City, Missouri	KC	16.6%	2019
LAREDO, TX	Laredo, Texas	LAR	18.22%	2019
LAS VEGAS-HENDERSON, NV-AZ	Las Vegas, Nevada	LAS	17.04%	2019
LOS ANGELES-LONG BEACH, CA	Los Angeles, California	LA	31.47%	2019
MIAMI-FORT LAUDERDALE-PORT ST. LUCIE, FL	Miami, Florida	MFL	23.12%	2019
MILWAUKEE-RACINE-WAUKESHA, WI	Milwaukee, Wisconsin	MIL	20.58%	2019
MINNEAPOLIS-ST. PAUL, MN-WI	Minneapolis, Minnesota	MSP	24%	2019
NEW YORK-NEWARK, NY-NJ-CT-PA	New York City, New York	NY	33.06%	2019
OMAHA-COUNCIL BLUFFS-FREMONT, NE-IA	Omaha, Nebraska	OM	15.87%	2019
PALM BAY-MELBOURNE-TITUSVILLE, FL	Palm Bay, Florida	PAL	16.33%	2019
PHILADELPHIA-READING-CAMDEN, PA-NJ-DE-MD	Philadelphia, Pennsylvania	PHL	25.3%	2019

GS Locality Name ▲	Main Area	Code	Pay Adjustment	Year
PHOENIX-MESA-SCOTTSDALE, AZ	Phoenix, Arizona	PX	19.6%	2019
PITTSBURGH-NEW CASTLE-WEIRTON, PA-OH-WV	Pittsburgh, Pennsylvania	PIT	18.86%	2019
PORTLAND-VANCOUVER-SALEM, OR-WA	Portland, Oregon	POR	23.13%	2019
RALEIGH-DURHAM-CHAPEL HILL, NC	Raleigh, North Carolina	RA	19.99%	2019
REST OF UNITED STATES	Rest of U.S.,	RUS	15.67%	2019
RICHMOND, VA	Richmond, Virginia	RCH	19.38%	2019
SACRAMENTO-ROSEVILLE, CA-NV	Sacramento, California	SAC	25.59%	2019
SAN ANTONIO-NEW BRAUNFELS-PEARSALL, TX	San Antonio, Texas	SO	16.07%	2019
SAN DIEGO-CARLSBAD, CA	San Diego, California	SD	28.8%	2019
SAN JOSE-SAN FRANCISCO-OAKLAND, CA	San Francisco, California	SF	40.35%	2019
SEATTLE-TACOMA, WA	Seattle, Washington	SEA	26.04%	2019
ST. LOUIS-ST. CHARLES-FARMINGTON, MO-IL	Saint Louis, Missouri	STL	17.05%	2019
STATE OF ALASKA	Alaska, Alaska	AK	28.89%	2019
STATE OF HAWAII	Hawaii, Hawaii	HI	18.98%	2019
TUCSON-NOGALES, AZ	Tucson, Arizona	TUC	16.68%	2019
VIRGINIA BEACH-NORFOLK, VA-NC	Virginia Beach, Virginia	VB	15.91%	2019
WASHINGTON-BALTIMORE-ARLINGTON, DC-MD-VA-WV-PA	Washington DC, District Of Columbia	DCB	29.32%	2019

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Source: www.federalpay.org/gs/locality

Exhibit 3

SEARCH/BACK to search results

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Friday, August 10, 2012

Billing rates up, especially for associates

By Kevin Lee

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

Industry experts say the discrepancy appears to be the market correcting itself after firms sloughed off associates and froze associate hiring in 2009 and 2010.

Partner billing rates, by comparison, rose 3.4 percent in the first half of the year compared to the year-earlier period, according to the latest research by Valeo Partners LLC, a Washington D.C.-based consulting firm.

'If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks.' - Marc A. Sockol

Valeo compiled data on the billing rates of lawyers at 550 U.S. law firms through publicly available documents, such as court filings, fee applications and disclosure statements submitted to federal agencies.

Chuck Chandler, a Valeo co-founder and partner, said this year's rate increases were instituted to offset the lack of rate movement during the recession.

"The associates took the hit after 2008. Some firms laid off as much as 10 percent of their associates, delayed hiring new classes and froze compensation," he said. "Naturally, billing rates were slow to increase during that period."

For the first six months of this year, California markets all saw associate rate increases below the national average. Associates in San Francisco and Silicon Valley together claimed the highest average rate increase of the California markets - 7.3 percent.

"Northern California has all of the social media, the technology companies, which creates a lot of dealmaking and IPOs and also good fees and hourly rates," Chandler said.

By comparison, Los Angeles associates saw their rates go up an average of 6.6 percent. In San Diego, associate rates rose 4.2 percent.

Law firms generally increase billing rates each year, according to Sheppard, Mullin, Richter & Hampton LLP partner Marc A. Sockol, who manages the firm's Palo Alto office.

"If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks," Sockol said. "During those first couple years of this recession, we chose not to boost our billing rates."

Sockol declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates

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roughly 3 percent, he said.

James G. Leipold, executive director of the National Association for Law Placement in Washington D.C., said the jump in billing rates results from the overall decrease of associates at law firms, especially at large law firms. Large law firms, which are the biggest employers of junior lawyers, are relying less on partnership-track associates and more on staff lawyers, paralegals and contract lawyers.

NALP data reveals that from 2008 to 2011, large law firms on average hired entry-level associates at an annual starting salary of \$160,000. Some law firms cut their starting salaries to \$145,000 during that time but not many. Leipold said he thought more firms would follow suit.

"What we saw was that law firms reduced their associate class sizes dramatically, but they didn't reduce their pay," Leipold said. "They just provided many fewer jobs."

Some large firms have turned to creating nonpartnership-track staff lawyer positions for new classes of junior lawyers, whose billing rates and compensation are lower than those of partnership-track associates.

Law firms can then maintain or increase the billing rates for the small number of associates on the partnership track, knowing they can turn to their staff lawyers, paralegals or contract lawyers to drive down the cost of legal services for clients.

"I think you'll see that [approach] more in the next couple of years," Leipold said. "It's another way for them to bring the salary structure back down and meet the cost-containment demands of clients and use people more efficiently."

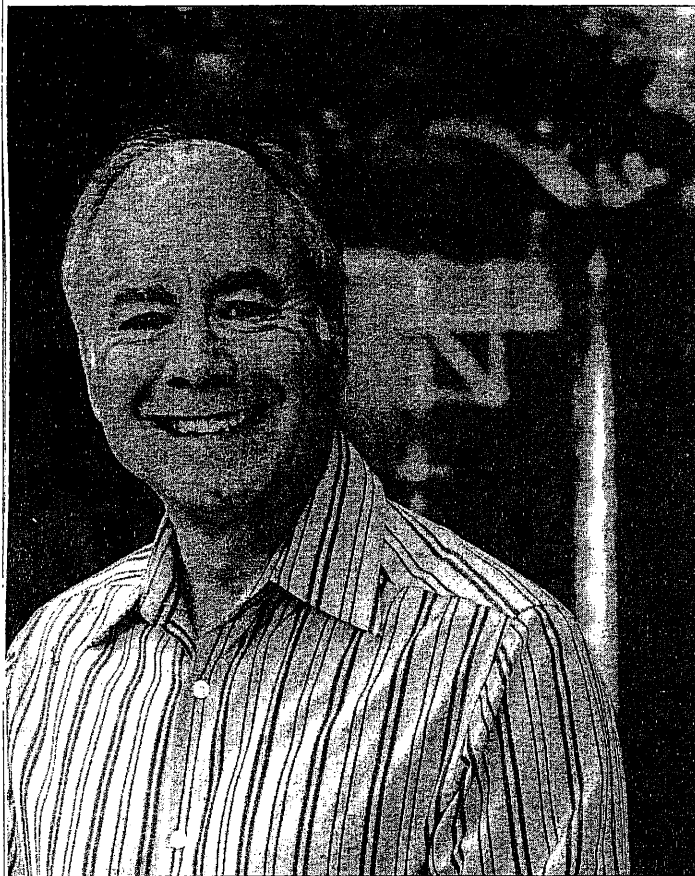
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Regardless of size, you can improve efficiencies and concentrate on what you do best to operate more efficiently. By **Paul Lippe** and **Ed Reeser**



Daily Journal File Photo

, who represented the state in insurance litigation before the state Supreme Court

s large insurance suit

les insurers must pay out claims that are 'stacked.'

entitled to "all sums" coverage, or the full amount provided by their policy limit, even if some of the damage occurred outside of the policy period.

'This is going to make it much more difficult for insurers to offer such abysmally low sums to their insured during settlement negotiations.'

— Roger W. Simpson

The court also ruled that when an entity purchases insurance policies from several companies over an extended period of time, the insured can recoup the maximum amount of the policy limits from each company — a practice known as stacking. Insurance companies argued that the insured should only recover the maximum amount of money provided during a single policy period, and

that the insurance companies would split that cost.

"An all-sums-with-stacking rule has numerous advantages," Chin wrote. He said it resolves the question of insurance coverage "as equitably as possible." It also "comports with the parties' reasonable expectations," both for the insurance companies which expect to pay for damage that occurs and for the policy holder that "reasonably expects indemnification for the time periods in which it purchased coverage." *State of California v. Continental Insurance Co.*, S170560.

The decision could eventually lead to efforts by the insurance industry to exclude coverage for high exposure claims, such as buildings with potential asbestos problems.

The case concerns the Stringfellow quarry in Riverside County. Opened in 1956 as an industrial waste deposit site, it collected more than 30 million gallons of industrial waste during its operation. But the quarry had several flaws leading to contaminants reaching groundwater. In 1972, the site was closed, but it continued to leak. In 1998, a federal court

See Page 4 — INSURED

Associate billing rates start climbing again

Average rates going back up after stagnation brought on by recession

By Kevin Lee

Daily Journal Staff Writer

Average law firm billing rates are back on the rise after stagnating somewhat in the years following the 2008 financial crisis. But most of the action is taking place in associate billing rates, which jumped 7.5 percent in the first half of the year compared to the same period in 2011, more than twice the average rate increase in partner billing rates nationwide.

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See Page 5 — ASSOCIATE

Intel attorney explains belated admission to court

ertence and oversight, and my duct was not willful," Estrich te. rewal filed an order Wednesday ng that Estrich explain why hadn't entered an appearance

Cupertino-based consumer technology company spoliated evidence. Grewal previously ordered a similar instruction against Samsung for failing to preserve evidence.

Attorneys for Apple claim Sam-

John B. Quinn for defying the court by releasing excluded evidence to the media. Then, Samsung lawyers broke minor rules when they took some of the witnesses on a tour of the court when it wasn't in session



Average Law Firm Billing Rates

Location	Position	2012	2011	Percent Increase
Los Angeles	Partner	\$797	\$766	4.0%
	Associate	\$550	\$516	6.6%
San Diego	Partner	\$568	\$568	0%
	Associate	\$394	\$378	4.2%
San Francisco	Partner	\$675	\$654	3.2%
	Associate	\$482	\$449	7.3%
National	Partner	\$750	\$725	3.4%
	Associate	\$495	\$460	7.5%

Source: Valeo 2012 Halftime Report

Associate billing rates going up

Continued from page 1

boost our billing rates."

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kevin_lee@dailyjournal.com

Exhibit 4

Flowers v. LACMTA expenses

DATE	CHARGE	DESCRIPTION
7/15/13	\$ 545.13	filing fee and messenger costs
8/23/13	\$ 115.38	messenger costs amended complaint
10/3/13	\$ 1,342.38	messenger costs, jury deposit, court fees
1/21/14	\$ 277.88	messenger costs for filing
1/23/14	\$ 87.56	messenger cost re minute order
2/13/14	\$ 86.46	messenger cost re minute order
3/6/14	\$ 142.88	messenger costs re ex parte filing
6/16/14	\$ 62.38	messenger cost re designation of record for appeal
6/25/14	\$ 62.38	messenger cost re appeal docketing
11/19/14	\$ 120.53	car rental
1/6/15	\$ 548.78	messenger cost for docket retrieval
1/15/15	\$ 71.11	messenger cost--service of request for judicial notice
1/15/15	\$ 47.90	messenger cost re appeal
1/15/15	\$ 35.25	messenger cost re appeal
7/6/15	\$ 58.12	messenger re appeal filing
11/21/15	\$ 125.25	car rental
12/15/15	\$ 95.13	messenger cost for filing
1/4/16	\$ 1,924.33	Ace costs Supreme Court filing
1/4/16	\$ 75.18	messenger cost petition for review
1/4/16	\$ 52.43	messenger cost petition for review
1/4/16	\$ 52.43	messenger cost petition for review
1/16/17	\$ 346.40	Case Anywhere
3/14/17	\$ 50.00	LRS Investigations
5/31/17	\$ 184.96	Southwest ticket
6/18/17	\$ 171.49	car rental
6/18/17	\$ 29.28	meal
6/19/17	\$ 24.66	meal
6/20/17	\$ 49.86	meal
6/26/17	\$ 100.00	LRS Investigations
6/28/17	\$ 967.25	videos of depos
7/5/17	\$ 1,508.80	court reporter / defendant PMK depo transcripts
1/16/18	\$ 86.00	CourtCall
6/6/18	\$ 86.00	CourtCall
10/16/18	\$ 7,500.00	Steven Rottman mediation fees
10/3/19	\$ 120.00	CourtCall
2/10/20	\$ 94.00	CourtCall
TOTAL	\$ 17,247.57	