**Motion for Attorney Fees
Due at 9am on Friday, April 3**Because you may be hand-redacting a printed copy of your time records, you are allowed to turn in this assignment the old-fashioned way (rather than uploading to Clio). If you will not be in class on April 3, you are responsible for delivering the Motion to the 4th floor reception desk c/o Professor Cunningham by 5pm on April 2 or scanning and emailing to Professors Cunningham and Roberts by 10pm on April 2.

Your assignment is to draft a Motion for Attorney’s Fees and Supporting Affidavit to Judge Taylor in Cobb Superior Court for the domestic violence case you handled. Assume that the provision in your 12 Month Order authorizing attorney fees was initialed by Judge Taylor, although in fact we did not ask for attorney fees in any of our cases. (Jerry and Misha will assume they obtained a consent judgment for their client.) You are to use just your own time records as the basis for the fee, billing at an hourly rate of $100 as if you were the only lawyer on the case.

Sample forms are attached to this document, but you are free to conduct your own research and draft your own motion. Your motion and affidavit need not exceed 2 pages.

1. Create a bill in your DV matter, displaying your activity only.

Begin by reading “How do I create a bill?” at https://support.goclio.com/hc/en-us/articles/203440180-How-do-I-create-a-bill-. The article is pasted below for your convenience.

Please customize your bill by following these steps:

1. Click on “Bills” at the top of your Clio Screen.
2. Click on “Billable Clients” in the sub-menu.
3. Click “Filter” and choose the dates for which you are billing us by using the “Activities Date Range” option. This will bring up a list of matters with activity for your relevant dates.
4. Scroll down and choose your DV matter by clicking the checkbox next to each of them.
5. Click “Generate” at the top of the Bills screen.
6. This will take you to the “Generate Bills” pop-up screen.
7. Make sure “All Details” is selected under “Detail Level.”
8. Make sure “Include unbilled matters with a $0 balance” is selected.
9. Click “Generate Bills.”
10. Return to the Bills screen “Draft” in the sub-menu.
11. Your bill should be displayed by name. Click “Download” and download the file.
12. Click “Submit for Approval.”
13. Download your bill and save it so that you may attach it to your Motion and Affidavit as “Exhibit A.”
14. Redact and/or reduce any billing entries necessary to reflect good billing judgment. See these cases assigned for class for guidance:
[David Lucas Co. v. Lewis](http://clarkcunningham.org/FLP/DavidLucasCoVLewis.pdf), 293 Ga.App. 288
[Galvez v Cuevas](http://clarkcunningham.org/FLP/FeeAwards-Galvez.htm) (S.D. Fla. 2009)
You may redact by hand or by using the “cross out text” option in your text formatting menu. DO NOT delete billing entries entirely (because we need to be able to see what you’re redacting).
	1. Exercise “billing judgment by excluding excessive, redundant, or otherwise unnecessary” hours, which are hours “that would be unreasonable to bill to a client and therefore to one's adversary”
	2. Also consider whether to claim hours for which the  subject matter of the time expenditure description may be attacked as not  “set out with sufficient particularity”
15. Redact any privileged and confidential information from your bill before attaching it to your pleading by using a black marker and writing “redacted” next to each redaction.
16. Bring a hard copy of your motion and affidavit with attached time records with you to class next Friday.

5 Ga. Pleading, Practice and Legal Forms § 19-6-2 Form 2 (3d ed.)

Brown Georgia Pleading, Practice and Legal Forms Annotated

Database updated October 2012

Charles Adams III and Cynthia T. Adams[a4](#co_footnote_Icfac9d71185111e2b67a0000837)

Code of Georgia

Title 19. Domestic Relations

Chapter 6. Alimony and Child Support Generally

§ 19-6-2 Form 2. Motion for attorney’s fees and expenses of litigation
[modified by Professors Cunningham and Roberts]

IN THE SUPERIOR COURT OF \_\_\_\_\_\_\_\_ COUNTY

STATE OF GEORGIA

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_ | CIVIL ACTION |
| Petitioner | NO. \_\_\_\_\_\_\_\_ |
| v. |  |
| \_\_\_\_\_\_\_\_ |  |
| Respondent |  |

**PETITIONER’S MOTION FOR COSTS AND ATTORNEY’S FEES**

COMES NOW \_\_\_\_\_\_\_\_, Petitioner in the above-captioned action, and, pursuant to O.C.G.A. § 19-13-4(a)(10) and Paragraph \_\_\_\_\_\_\_\_ of the 12-Month Temporary Protective Order filed in the instant case on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_, herewith moves the Court for an award of reasonable attorney’s fees and CPSTS of litigation, and, in support of this motion, respectfully shows the Court as follows:

1. Petitioner was the prevailing party in this action and obtained the 12 Month Order of Protection requested in her Petition.
2. Petitioner shows that her attorney’s fees and expenses for which she seeks reimbursement from respondent total $\_\_\_\_\_\_\_\_, as is shown by the itemized Statement of Time and Expenses from her law firm attached as Exhibit “A”.
3. Petitioner attaches to this Motion as Exhibit “B” the affidavit of \_\_\_\_\_\_\_\_, her attorney, in support of the necessity and reasonableness of the amounts claimed.

WHEREFORE PETITIONER moves the Court to enter an award of attorney’s fees and expenses of litigation in the amount of $\_\_\_\_\_\_\_\_ or such other sum as the Court may deem reasonable.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_ Attorney for Petitioner

*(Attorney’s address, State Bar number & phone number)*

Ga. Pleading, Practice and Legal Forms § 9-15-14 Form 2 (3d ed.)

Brown Georgia Pleading, Practice and Legal Forms Annotated

Database updated October 2012

Charles Adams III and Cynthia T. Adams[a2](#co_footnote_Idd958471185011e2b67a0000837)

Code of Georgia

Title 9. Civil Practice

Chapter 15. Court and Litigation Costs

§ 9-15-14 Form 2. Affidavit of attorney in support of motion for attorney’s fees and expenses of litigation
[modified by Professors Cunningham and Roberts]

IN THE *[NAME OF COURT]* OF *[NAME OF COUNTY]* STATE OF GEORGIA

|  |  |
| --- | --- |
| *[Name of petitioner]*, | CIVIL ACTION |
| Petitoner | NO. *[CIVIL ACTION* |
| v. | *NUMBER]* |
| *[Name of respondent]*, |  |
| Respondent |  |

**AFFIDAVIT IN SUPPORT OF STATEMENT OF TIME AND EXPENSES**

GEORGIA, *[NAME OF COUNTY]*

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the undersigned, having been duly sworn, on oath states as follows:

 **1.**That the attached Statement of Time and Expenses represents a true, correct, and accurate accounting of the time and expenses incurred by the undersigned in connection with the above-captioned lawsuit since *[start date of service]*.

 **2.** That the amount of time expended was necessary and justified, in view of the seriousness of the allegations and the extent of factual investigation required to carry Petitioner’s burden of proof.

**3.** That the hourly rate charged is reasonable in view of *[his/her]* experience; the hourly rate is lower than that charged by attorneys for representation of other clients in similar litigation because attorney agreed to represent petitioner at a lower rate due to petitioner’s limited income; and the hourly rate is less than charged by other attorneys in this geographical and practice area with comparable experience.

 **4.** That this Affidavit is given in support of the Motion for Attorney’s Fees and Expenses of Litigation in the above-captioned action now pending before this court and that the undersigned is of legal age and fully competent to testify to all matters contained herein.

\_\_\_\_\_\_\_\_\_\_\_\_\_ *[Name of affiant]*

SWORN TO AND SUBSCRIBED before me this *[ordinal number of day]* day of *[name of month][number of year]*.

\_\_\_\_\_\_\_\_\_\_\_\_\_ *[Name of notary public]*

Notary Public, *[name of county]* , Georgia

My commission expires *[date of expiry]*

*[Attachment of itemized statement]*