

**PART XI**  
**ATTORNEY FEES**

**B. ATTORNEY FEES FOR SERVICES PERFORMED BEFORE THE BOARD**

**1. HOURLY RATE**

The Board held that \$100 per hour was not an excessive fee request for services regarding an appeal before the Board, since claimant's counsel was highly experienced in litigating black lung claims, inasmuch as counsel's expertise reduced the number of hours that needed to be claimed for compensation. Moreover, the employer raised a complex constitutional issue on appeal to which the attorney responded. 20 C.F.R. §802.203(d). The Board held that the \$100 hourly rate requested before the Board need not be the same as the billing rate for work performed before the administrative law judge (\$75.00) where the issue before the Board was more complex. ***Leonard v. Republic Steel Corp.***, 2 BLR 1-571 (1979); see also Desk Book Part XI.A.7.b.(1) for more information on hourly rate.

**CASE LISTINGS**

[lower rate may be awarded to lay representative than permissible for attorney]  
***Scicchitano v. Director, OWCP***, 6 BLR 1-1279 (1984).

**DIGESTS**

The Board reduced the requested hourly rate from \$150.00 to \$125.00. ***Picinich v. Lockheed Shipbuilding***, 23 BRBS 128 (1989).

The Board has approved hourly rates of \$150.00. See generally ***Goodloe v. Peabody Coal Co.***, 19 BLR 1-91 (1995).

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