

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 24-0298

MICHAEL E. LESH)
)
 Claimant-Petitioner)
)
 v.)
)
 ADVANTAGE FEDERAL RESOURCING)
)
 and)
)
 ALLIED WORLD NATIONAL)
 ASSURANCE COMPANY)
)
 Employer/Carrier-)
 Respondents)

NOT-PUBLISHED

DATE ISSUED: 05/20/2026

DECISION and ORDER

Appeal of the Attorney Fee Order on Remand of Christopher Larsen, Administrative Law Judge, United States Department of Labor.

Charles Robinowitz (Law Office of Charles Robinowitz), Portland, Oregon, for Claimant.

Michael Marmer (Samuelson, Gonzalez, Valenzuela & Brown, LLP), Long Beach, California, for Employer and its Carrier.

Before: ROLFE, JONES, and ULMER, Administrative Appeals Judges.

PER CURIAM:

Claimant appeals Administrative Law Judge (ALJ) Christopher Larsen’s Attorney Fee Order on Remand (2014-LDA-00715) rendered on a claim filed pursuant to the Longshore and Harbor Workers’ Compensation Act, as amended, 33 U.S.C. §§901-950 (Act), as extended by the Defense Base Act, 42 U.S.C. §§1651-1655 (DBA). The amount

of an attorney's fee award is discretionary and will not be set aside unless shown by the challenging party to be arbitrary, capricious, based on an abuse of discretion, or not in accordance with law.¹ See *Tahara v. Matson Terminals, Inc.*, 511 F.3d 950, 952 (9th Cir. 2007); *Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272, 273 (1980).

This attorney's fee has been before the Benefits Review Board multiple times. Originally, the Board affirmed ALJ Richard M. Clark's 2011 proxy hourly rates for Claimant's counsel, Charles Robinowitz (Counsel), based on the Oregon State Bar 2012 Economic Survey² and use of the Consumer Price Index (CPI-U) to adjust those rates for inflation to account for Counsel's work in 2014 and 2015.³ *Lesh v. Advantage Fed. Resourcing*, BRB No. 16-0518, slip op. at 3 (Apr. 25, 2017) (unpub.) [*Lesh I*]. It also affirmed ALJ Clark's award of an attorney's fee payable by Employer and its Carrier (Employer) to Counsel totaling \$31,384.57 for work performed before the Office of Administrative Law Judges (OALJ). *Id.* at 4. But the Board remanded the case for ALJ Clark to consider Counsel's previously unaddressed supplemental fee petition, *id.* at 3, and it denied Counsel's motion for reconsideration, *Lesh I* (Aug. 24, 2017) (unpub. Order).⁴

On the first remand, ALJ Clark considered Counsel's supplemental fee petition as well as Counsel's request for an additional 9.3 hours of attorney time for work performed on remand and Employer's objections to both requests. He reduced Counsel's requested hourly rate of \$520 to the hourly rates previously affirmed by the Board, denied Counsel's request for a delay enhancement, reduced the total number of hours sought, and awarded

¹ This case arises within the jurisdiction of the United States Court of Appeals for the Ninth Circuit because the office of the district director who filed the initial ALJ's decision and order on the merits is located in Seattle, Washington. 33 U.S.C. §921(c); *Glob. Linguist Sols., L.L.C. v. Abdelmegeed*, 913 F.3d 921, 922 (9th Cir. 2019); *McDonald v. Aecom Tech. Corp.*, 45 BRBS 45, 47 (2011).

² ALJ Clark used data from the plaintiff personal injury civil litigation, plaintiff civil litigation not including personal injury, and general practice categories. ALJ Clark Attorney Fee Order (June 1, 2016), at 5.

³ Counsel was entitled to a fee because, on November 2, 2015, ALJ Clark issued a decision and order approving the parties' settlement agreement under Section 8(i) of the Act, 33 U.S.C. §908(i), resolving the issues on the merits.

⁴ The Board also awarded Counsel his requested attorney's fee of \$1,364.50, payable by Employer, for work performed before the Board. *Lesh I* (Jan. 31, 2018) (unpub. Order).

an additional attorney's fee totaling \$3,961.20. Counsel appealed, again challenging ALJ Clark's 2011 proxy market rate findings and his denial of a delay enhancement.

Based on the law of the case doctrine, the Board rejected Counsel's contention regarding the 2011 proxy rate. *Lesh v. Advantage Fed. Resourcing*, BRB No. 18-0496, slip op. at 3 (May 14, 2019) (unpub.) [*Lesh II*]. It also affirmed ALJ Clark's denial of a delay enhancement and his resulting award of rates for Counsel of \$360.58 per hour for 2016 and \$389.25 per hour for 2018. *Id.* at 4-5. Consequently, the Board affirmed ALJ Clark's Attorney Fee Order on Remand. *Id.* at 5.

Pursuant to Counsel's appeal, on April 23, 2021, the United States Court of Appeals for the Ninth Circuit vacated the Board's decisions in *Lesh I* and *II* and remanded the case for proceedings consistent with its decision in *Seachris v. Brady-Hamilton Stevedore Co.*, 994 F.3d 1066 (9th Cir. 2021). *Lesh v. Advantage Fed. Resourcing*, 845 F. App'x 642 (9th Cir. 2021). It issued its formal mandate on May 10, 2021. On October 31, 2022, the Board remanded the case to the OALJ for further proceedings consistent with the Ninth Circuit's opinion, and it awarded Counsel an employer-paid attorney's fee of \$32,139.18 for work performed before the Board. *Lesh I* and *II*, (Oct. 31, 2022) (unpub. Order).

On remand, on March 28, 2023, ALJ Clark ordered the parties to confer and file a joint status update on the pending attorney's fee issue, and on April 18, 2023, Counsel filed a letter indicating he instead needed to file an amended fee petition. On May 26, 2023, he filed the Amended Declaration of Attorney Fees (Amend. Fee Decl.), seeking an amended fee of \$68,605.15, representing \$65,250 for 87 hours of his work at an hourly rate of \$750; \$1,937.75 for 5.75 hours of work performed by Attorney Genavee Stokes-Avery at an hourly rate of \$337; \$67.40 for .2 hours of work performed by Attorney Lee Ann Donaldson at an hourly rate of \$337; and \$1,350 for 6.75 hours of work performed by paralegal Karilyn Pilkington at an hourly rate of \$200.⁵ Amend. Fee Decl. at 8, 13. Counsel acknowledged Employer had already paid \$28,959.53 in 2016 and \$3,961.20 in 2018 after ALJ Clark's prior fee orders and requested the remaining balance of \$35,684.42. *Id.* at 13. Employer objected to Counsel's Amend. Fee Decl.

⁵ In support of his requested hourly rate, Counsel relied on his more than fifty years of experience with cases arising under the Act, his professional accolades, Robert E. L. Bonaparte's declaration and exhibits, including portions of the 2020 Morones Survey of Commercial Litigation Fees and the Oregon State Bar 2017 Economic Survey, and the fee order in *Scott v. Vigor Marine, LLC*, No. 17CV17799 (Or. Cir. Ct. Nov. 28, 2018), awarding Counsel \$500 per hour in a discrimination claim under Oregon state law. Amend. Fee Decl., Exhibit 1 (Bonaparte's Decl.), Exhibit 2.

On April 3, 2024, ALJ Larsen (the ALJ) issued his Attorney Fee Order on Remand (Fee Order),⁶ awarding Counsel \$11,046.52 for an attorney’s fee, and he noted Employer’s prior payments of \$32,920.73, which brought Counsel’s total fee for services before the OALJ to \$43,967.25. Fee Order at 17-18. The ALJ determined Portland, Oregon, was the relevant community for determining Counsel’s hourly rate. *Id.* at 5. He rejected Counsel’s requested \$750 hourly rate and instead awarded him an hourly rate of \$473 based on an average of the Oregon State Bar 2017 Economic Survey (OSB Survey) hourly rates for all private practice attorneys at the 75th percentile in Portland, without regard to their experience, and rates for attorneys in the same category with more than thirty years of experience, and the 2016 rates in the 2020 Morones Survey of Commercial Litigation Fees (Morones Survey) for Portland. *Id.* at 4, 6-14. In addition, the ALJ awarded \$250 per hour for work performed by Mses. Stokes-Avery and Donaldson and \$185 per hour for work performed by Ms. Pilkington. *Id.* at 14-15, 17. He denied Counsel’s request for a delay enhancement and awarded a fee at the 2016 rates for all the work performed before OALJ, including Counsel’s “limited work” in 2018, 2021, and 2023. *Id.* at 16. The ALJ awarded a total of 87 hours for Counsel’s work, 5.7 hours for Ms. Stokes-Avery’s work, .2 hour for Ms. Donaldson’s work, and 7.25 hours for Ms. Pilkington’s work.⁷ *Id.* at 17.

For the third time, Counsel appeals his awarded hourly rate. On appeal, he contends the ALJ abused his discretion in reducing the requested hourly rate and not adjusting it to account for the delay between when the work was done and the fee was awarded. Employer filed a response brief in support of the ALJ’s findings. Counsel filed a reply, clarifying his arguments on appeal.⁸

⁶ While the attorney’s fee was pending on remand, ALJ Clark left federal service, and the case was reassigned to ALJ Larsen. Fee Order at 4.

⁷ The ALJ noted: “The total amount of hours listed on [Counsel’s] amended fee petition does not match [ALJ Clark’s] award. I award the hours as determined by [ALJ Clark] as it does not appear any professional other than [Counsel] spent additional time in the case after [ALJ Clark’s] fee award in 2018.” Fee Order at 17 n.13.

⁸ We affirm, as unchallenged on appeal, the ALJ’s awarded hourly rates and hours worked for Mses. Stokes-Avery, Donaldson, and Pilkington, his approval of 87 hours for Counsel’s work, and his determination that Counsel is in the 75th percentile of all Portland attorneys. *Scalio v. Ceres Marine Terminals, Inc.*, 41 BRBS 57, 58 (2007); Fee Order at 14, 17.

Hourly Rate

Counsel contends the ALJ used the “incorrect hourly rate” from the OSB Survey for a top 25% Portland attorney with more than thirty years of experience when calculating his hourly rate to be \$473.⁹ Counsel’s Brief at 2-3. Employer filed a response brief urging affirmance of the ALJ’s hourly rate determination because Counsel has not shown the ALJ abused his discretion or acted capriciously but rather “simply concludes” the ALJ’s method of calculating the rate was “incorrect.” Emp. Brief at 3-6. In reply, Counsel clarifies that if the ALJ did not use the incorrect rate, he erred in using the rate for all private practice attorneys in Portland, regardless of years of experience, which improperly lowered his proxy rate. Counsel’s Reply at 2-5. Counsel asserts the ALJ should have averaged only the relevant rates of attorneys with more than thirty years of experience from the OSB and Morones Surveys to calculate an hourly rate of \$510 in 2016. Counsel’s Reply at 2-4.

Under the Act, a reasonable hourly rate is to be calculated according to the prevailing market rate “for similar services by lawyers of reasonably comparable skill, experience, and reputation” in the relevant community and should be commensurate with fees attorneys could obtain in other types of cases. *Seachris*, 994 F.3d at 1076-1077 (quoting *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)); *Shirrod v. Director, OWCP*, 809 F.3d 1082, 1086 (9th Cir. 2015); *Christensen v. Stevedoring Servs. of Am.*, 557 F.3d 1049, 1053 (9th Cir. 2009). The fee applicant bears the burden of producing “satisfactory evidence” of the relevant market and the rates charged in that market. *Christensen*, 557 F.3d at 1053; *see also Blum*, 465 U.S. at 895 n.11. In awarding a reasonable attorney’s fee, the adjudicator must consider all relevant rate evidence before him, *H.S. [Sherman] v. Dep’t of Army/NAF*, 43 BRBS 41, 44 (2009), and must explain his rationale for assessing the fee. *Carter v. Caleb Brett, LLC*, 757 F.3d 866, 869 (9th Cir. 2014); *Jensen v. Weeks Marine, Inc.*, 33 BRBS 97, 101 (1999).

In support of the amended requested rate of \$750 per hour, Counsel relied on Mr. Bonaparte’s opinion. With his declaration, Mr. Bonaparte included a portion of the 2017 OSB Survey that showed a 2016 hourly rate of \$495 for attorneys at the 75th percentile in all private practice areas with more than thirty years of experience in Portland, Oregon. Bonaparte’s Decl., Exhibit B at 4. That portion of the OSB Survey also showed a 2016 hourly rate of \$400 for attorneys at the 75th percentile in all private practice areas regardless of years of experience. *Id.* at 2. Mr. Bonaparte also considered the 2020

⁹ Specifically, Counsel states: “the ALJ incorrectly used the hourly rate of \$425 instead of \$495. He averaged the two rates of \$525 and \$425 and determined the average was \$473. . . . The average of the correct hourly rates of \$495 and \$525 is \$510.” Counsel’s Brief at 2 (citations omitted).

Morones Survey, which demonstrated a median hourly rate ranging between \$525 and \$620 for attorneys in commercial litigation with more than thirty years of experience in the years 2016, 2018, and 2020. Bonaparte’s Decl., Exhibit C at 2. In May 2021, Mr. Bonaparte opined Counsel’s requested hourly rate of \$675 per hour “is within the range of prevailing market rates” for attorneys with over thirty years of experience. Bonaparte’s Decl. at 5, 10-11, Exhibits B, C.

Counsel stated his amended requested rate reflects the increased CPI-U in Portland, Oregon, since Mr. Bonaparte offered his declaration: a 4.7% increase in 2021, 8.6% in 2022, and 1% “in 2023 through March.” Amend. Fee Decl. at 8. Counsel also submitted the fee order from *Scott v. Vigor Marine, LLC*, No. 17CV17799 (Or. Cir. Ct. Nov. 28, 2018), awarding him \$500 per hour in a discrimination claim under Oregon state law. Amend. Fee Decl., Exhibit 2. While Employer objected to the amended rate and argued the rates for attorneys practicing personal injury, workers’ compensation, and administrative law were appropriate comparators, it did not submit supporting evidence.

The ALJ gave “some weight” to the Morones Survey because commercial litigation rates were “relevant to the development of a proxy market [rate] . . . but not controlling” because of the distinctions between “general ‘commercial litigation’” and administrative litigation under the Longshore Act.¹⁰ Fee Order at 12 (citing *Seachris*, 994 F.3d at 1078). He then averaged the rates for attorneys in the 75th percentile of the private practice market in Portland, Oregon: \$495 (OSB Survey: hourly billing rate of attorneys in private practice with more than thirty years of experience); \$400 (OSB Survey: all private practice areas without regard to years of experience); and \$525 (Morones Survey: median rate in 2016

¹⁰ The ALJ ascribed “some value” to Mr. Bonaparte’s comparison of Longshore Act litigation and commercial litigation, but he found Mr. Bonaparte did not address the differences between Longshore Act litigation and commercial litigation. He specifically rejected as “illogical and unpersuasive” Mr. Bonaparte’s conclusion that these practice areas are the same because the defendants in both are commercial entities. Fee Order at 10; *see* Bonaparte’s Decl. at 7-9. Consequently, the ALJ found the Morones Survey, which Mr. Bonaparte relied upon and contended was due “careful consideration,” to be relevant “but not controlling or entitled to substantial weight.” Fee Order at 9-12; *see* Bonaparte’s Decl. at 7-9.

for commercial litigation attorneys with thirty or more years of experience), to arrive at an hourly rate of \$473 in 2016.¹¹ *Id.* at 15.

We agree with Counsel that the ALJ did not adequately explain his reliance on the OSB Survey rate for all private practice attorneys regardless of their years of experience. Counsel's Reply at 2-5. While a factfinder has the discretion to determine the hourly rates at which an attorney should be compensated, he must fully consider all relevant evidence and provide specific explanations for his findings. *Seachris*, 994 F.3d at 1080; *Shirrod*, 809 F.3d at 1086; *Carter*, 757 F.3d at 869. Here, the ALJ correctly noted Counsel submitted the three rates he used for his calculation; however, there is no evidence in the record to suggest that Counsel is comparable to all private practice, Portland attorneys in skills, experience, or reputation, without regard to years of practice. Fee Order at 12-14. Rather, the record establishes, and the ALJ noted, that Counsel has more than fifty years of experience with "significant skill." *Id.* at 9, 11, 14. Further, the ALJ did not adequately explain why the rate for all private practice, Portland attorneys, without accounting for their experience, is relevant to his calculation when he also included the rate for the same category of attorneys with over thirty years of experience. *Id.* at 12-13. Moreover, the ALJ's reliance on this rate appears to be inconsistent with his subsequent statement that his finding was based specifically on Counsel's "skills, expertise and experience, and reputation." *Id.* at 14. As the ALJ has not adequately explained the relevance of this category, which includes the lower hourly rates of less experienced attorneys, we cannot affirm the ALJ's rate calculation. *See Blum*, 465 U.S. at 895 n.11; *Seachris*, 994 F.3d at 1078, 1080; *Carter*, 757 F.3d at 869; *Sherman*, 43 BRBS at 44; *Jensen*, 33 BRBS at 101.

Consequently, we modify the ALJ's Fee Order on Remand to reflect an hourly rate in 2016 of \$510 per hour for services Counsel performed before the OALJ based on an average of the hourly rates from the 2017 OSB Survey of \$495 and the 2020 Morones Survey of \$525 for attorneys with over thirty years of experience in 2016.¹²

¹¹ The ALJ gave "little weight" to Counsel's fee award in *Scott*, No. 17CV17799, because Counsel did not establish the case "involved litigation similar to Longshore work." Fee Order at 13.

¹² The calculation is: (\$495 (OSB Survey: hourly billing rate of 75th percentile attorneys in private practice with more than thirty years of experience) + \$525 (Morones Survey: median rate in 2016 for commercial litigation attorneys with thirty or more years of experience)) divided by 2 = \$510.

Delay Enhancement

Counsel also contends the ALJ abused his discretion in not adjusting the market rate from December 31, 2016, to the date of his fee order on April 3, 2024, and that his determination denying the fee enhancement was “legally incorrect.”¹³ Counsel’s Brief at 3-5; Counsel’s Reply at 5-7. We disagree.

When assessing an attorney’s fee under the Act, the adjudicator may adjust the fee to account for delay between when the attorney’s services were provided and when fees are awarded. *Christensen*, 557 F.3d at 1055-1056; *Anderson v. Director, OWCP*, 91 F.3d 1322, 1325 (9th Cir. 1996); *Allen v. Bludworth Bond Shipyard*, 31 BRBS 95, 97 (1997). In *Christensen*, the Ninth Circuit determined a two-year delay was “not so egregious or extraordinary as to require a delay enhancement.”¹⁴ *Christensen*, 557 F.3d at 1056; *but see Anderson*, 91 F.3d at 1325 (determining a fourteen-year delay was “egregious” and ordering a delay enhancement).

First, the ALJ correctly noted that an attorney is not entitled to an enhancement for delay caused by an appeal of the fee award. Fee Order at 16 (citing *Anderson*, 91 F.3d at 1325 n.3). We reject Counsel’s contention that the ALJ’s reliance on *Anderson* was “incorrect logically and legally” or that in *Johnson v. Director, OWCP*, 183 F.3d 1169 (9th

¹³ Referencing the Ninth Circuit’s unpublished decision in *Modar v. Mar. Servs. Corp.*, 632 F. App’x 909 (9th Cir. 2015), and the Board’s unpublished decision in *Ahmed v. Glob. Linguist Sols.*, BRB Nos. 17-0332 and 17-0332A (Feb. 14, 2018), Counsel requests the Board “publish the opinion in the present case to clarify the law [regarding delay enhancements].” Counsel’s Brief at 3. We deny this request as we rely on established law to reach our decision, and we see no need to further clarify it. This is a case-specific issue, and there is no one right way to account for delay in payment of an attorney’s fee. The Board has held the factfinder may adjust the fee based on a historical rate to reflect its present value, apply current market rates, or employ any other reasonable means to compensate for the delay. *Allen v. Bludworth Bond Shipyard*, 31 BRBS 95, 96-97 (1997); *see also Christensen*, 557 F.3d at 1055-1056; *Anderson v. Director, OWCP*, 91 F.3d 1322, 1325 (9th Cir. 1996).

¹⁴ We are not persuaded by Counsel’s general assertion that the ALJ’s determination conflicts with *Missouri v. Jenkins*, 491 U.S. 274, 283 (1989). Counsel’s Reply at 6. *Jenkins* offered no standard for determining how much time must elapse before a delay justifies an enhancement, while the Ninth Circuit has provided detailed analyses of delay enhancements under the Act. *See generally Christensen*, 557 F.3d at 1055-1056; *Anderson*, 91 F.3d at 1324, 1325 n.3.

Cir. 1999), the Ninth Circuit modified *Anderson*. Counsel’s Brief at 3. The relevant footnote in *Anderson* specifically addressed a “delay due to appeals of the *fee award*,” whereas the delay in *Johnson* was due to the employer’s appeal of the decision on the merits of the claim. *Compare Anderson*, 91 F.3d at 1325 n.3, *with Johnson*, 183 F.3d at 1170-1171. Moreover, in a recent unpublished decision, the Ninth Circuit determined the Board did not abuse its discretion in denying an additional delay enhancement to the ALJ’s rate calculation, noting the Board “emphasized that the delay was caused by appeals of the fee award.” *Horton v. Director, OWCP*, No. 24-5011, 2026 WL 311571, at *3 (9th Cir. Feb. 5, 2026) (citing *Anderson*, 91 F.3d at 1325 n.3).

Here, Counsel performed services on the merits before the OALJ in 2014 and 2015. ALJ Clark issued his initial attorney’s fee order on June 1, 2016, and Employer paid Counsel’s fee. After Counsel’s first appeal, the Board remanded the case to the ALJ on April 25, 2017, for consideration of Counsel’s then-unaddressed supplemental fee, and it denied Counsel’s motion for reconsideration on August 24, 2017. ALJ Clark issued his fee order on remand on August 6, 2018, and Employer paid this fee. After Counsel’s second appeal of his awarded hourly rate to the Board and his subsequent appeal to the Ninth Circuit, the Board remanded the case to the ALJ on October 31, 2022, and the ALJ issued his Fee Order on April 3, 2024, awarding Counsel an increased fee based on 2016 rates.

The delays between Counsel’s services and the issuance of the most recent fee order were largely due to Counsel’s appeals of his fee awards. Although Counsel contends the ALJ should have adjusted the market rate from December 31, 2016, to the date of his fee order on April 3, 2024, to account for 7.25 years of delay, Counsel’s appeals to the Board and the Ninth Circuit accounted for approximately five of those years. *See Anderson*, 91 F.3d at 1325 n.3; *see Christensen*, 557 F.3d at 1056 (a delay of two years was not “so egregious or extraordinary” to justify delay enhancement); Counsel’s Brief at 3-5. Additionally, as the ALJ correctly noted, Employer paid Counsel in 2016 and 2018 the fees ALJ Clark awarded. Therefore, the ALJ determined Counsel “was not deprived of the full amount of the fee award during this time.” Fee Order at 16. For these reasons, the ALJ rationally concluded there was no “exceptional” delay that warranted awarding a fee based on 2024 hourly rates, and he awarded 2016 rates for all work performed in this matter. *Id.*

In his analysis, the ALJ accounted for Employer’s prompt, albeit ultimately partial, payments to Counsel, the time when the case was on appeal, and the time it was pending before the OALJ. Consequently, we see no abuse of discretion in his denial of Counsel’s request for a delay enhancement. *See Christensen*, 557 F.3d at 1055-1056; *Anderson*, 91 F.3d at 1324, 1325 n.3; Fee Order at 16. Because the ALJ acted within his discretion and fully explained his reasoning, we affirm his use of a 2016 hourly rate for all work performed by Counsel before the OALJ. *See Carter*, 757 F.3d at 869; *Christensen*, 557

F.3d at 1055-1056; *Anderson*, 91 F.3d at 1325; *Jensen*, 33 BRBS at 101; *see also Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983) (“A request for attorney’s fees should not result in a second major litigation.”).

Accordingly, we modify the ALJ’s Attorney Fee Order on Remand to reflect an awarded hourly rate of \$510. As modified, Counsel is entitled to an outstanding balance of \$14,265.52 for an attorney’s fee for all services performed before the OALJ, payable by Employer.¹⁵ In all other respects, we affirm the ALJ’s Attorney Fee Order on Remand.

SO ORDERED.

JONATHAN ROLFE
Administrative Appeals Judge

MELISSA LIN JONES
Administrative Appeals Judge

GLENN E. ULMER
Administrative Appeals Judge

¹⁵ Counsel is entitled to \$44,370 for 87 hours of his work at an hourly rate of \$510; \$1,425 for 5.7 hours of work performed by Attorney Genavee Stokes-Avery at an hourly rate of \$250; \$50 for .2 hours of work performed by Attorney Lee Ann Donaldson at an hourly rate of \$250; and \$1,341.25 for 7.25 hours of work performed by paralegal Karilyn Pilkington at an hourly rate of \$185. Thus, Counsel’s total attorney’s fee for services before the OALJ is \$47,186.25, minus Employer’s prior payments of \$32,920.73, bringing the outstanding balance to \$14,265.52.