

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VIRGIL M. SHAUGER,

Plaintiff,

v.

CAROLYN COLVIN,¹
Acting Commissioner of Social Security,

Defendant.

ORDER

11-cv-129-bbc

Dana Duncan, counsel for plaintiff Virgil M. Shauger, has moved under 42 U.S.C. § 406(b) for an award of attorney fees in the amount of \$12,526.75 for his work in representing plaintiff. That work involved judicial review of defendant's rejection of plaintiff's claim for social security disability benefits at both the district court and court of appeals and before the Social Security Administration's Office of Disability Adjudication and Review, for a total of 131.65 hours. Some of this time has been compensated by the award of fees made to counsel under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), dkt. #32, but this does not bar him from obtaining an additional fee award under § 406(b).

Counsel obtained excellent results for his client; he has extensive experience in social

¹ Carolyn Colvin became the Acting Social Security Commissioner on February 14, 2013. Pursuant to Fed. R. Civ. P. 25(d)(1), she has been substituted for Commissioner Michael J. Astrue as the defendant in this suit.

security cases, the issues in this case were difficult ones; and he is working in a field in which it is difficult for claimants to find legal counsel. When the award sought by counsel under § 406(b) is added to the one under the EAJA, plaintiff's counsel will have been paid the effective rate of \$208.33 an hour for the total time he expended in the case. This is a reasonable fee for a lawyer of his experience.

ORDER

IT IS ORDERED that Dana Duncan, counsel for plaintiff, is awarded attorney fees under 42 U.S.C. § 406(b) in the amount of \$12,526.75 for his work in this case.

Entered this 28th day of March, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge