

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

WILLIAM L. KANGAS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

12-cv-91-bbc

Heather Freeman, counsel for plaintiff William A. Kangas has moved for authorization of an award of attorney fees for her work in representing plaintiff in this social security proceeding. Counsel is seeking \$24,989.98, which is 25% of the \$123,959.00 award to plaintiff by defendant on remand of the case from this court, less \$6,000 that had previously been paid to counsel for her representation of plaintiff in administrative hearings. Plaintiff agreed to pay 25% of any award to his counsel under a written contingent fee agreement.

Defendant does not oppose counsel's request, but asks the court to evaluate it under 42 U.S.C. § 406 to be sure that granting the amount sought yields a reasonable amount in this case. Defendant points out that counsel billed a total of 24.1 hours, which means that the requested award would compensate counsel at an hourly rate of \$1,036.93.

By their nature, contingent-fee agreements will at times produce far higher rates for

counsel than an hourly rate arrangement. If they did not, lawyers would have no reason to enter into them, since many of their agreements will fail to produce any payment at all. Nothing in the record suggests that plaintiff did not enter willingly into this agreement with counsel. The return is high but not unreasonable, when balanced against the probability of success, and it is in line with fees awarded to plaintiff's counsel in other cases. See Plt.'s Reply Br., dkt. #31, at 3. Accordingly, the fee award will be authorized.

ORDER

IT IS ORDERED that the motion for authorization of an attorney fee award filed by Heather Freeman, counsel for plaintiff William L. Kangas is GRANTED. Counsel is due attorney fees in the amount of \$24,989.98, of which \$4,443.56 is to be refunded by counsel to plaintiff to reimburse him for the \$4,443.56 awarded to him under the Equal Access to Justice Act that he remitted to counsel.

Entered this 31st day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge