

In re Pablo MARTINEZ, Debtor.
Pablo Martinez, Plaintiff,
v.
Law Offices of David J. Stern, P.A., Defendant.

Bankruptcy No. 99-42274-BKC-RAM.
Adversary No. 00-1118-BKC-RAM-A.
(Cite as: 266 B.R. 523)

15 U.S.C. § 1692k(a)(3) states that a consumer successful in a FDCPA action is entitled to an award of reasonable attorney's fees and costs. In determining fees, the Court looked at the factors generally applicable to fee awards under federal statute, including (1) the time and labor required; (2) the novelty and difficulty of the legal questions; (3) the skill required to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee for similar work in the community; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation and ability of the attorney; (10) the undesirability of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. The Court determined that the plaintiff/consumer's attorney was entitled to a fee award of \$29,037.50 consisting of 130 hours of attorney time at \$200/hour (\$26,000) plus 40.5 hours of paralegal time at \$75/hour (\$3,097.50).