

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:07-bk-00996-ABB  
Chapter 7

RALPH F. PORTO,

Debtor.

RICHARD DELAURO,

Plaintiff,

vs.

Adv. Pro. No. 6:07-ap-00075-ABB

RALPH F. PORTO,

Defendant.

**ORDER**

This matter came before the Court on the Notice of Filing Detailed Statement of Fees (Doc. No. 73) filed by the Law Office of Robert B. Branson ("Branson"), counsel for the Debtor/Defendant Ralph F. Porto. A Memorandum Opinion and Judgment were entered on September 23, 2008 (Doc. Nos. 69, 70) holding the Debtor/Defendant is entitled to an award of reasonable attorney's fees pursuant to Florida Statutes Section 57.105(1) and 11 U.S.C. Section 105(a).

Branson incurred fees of \$15,912.00, consisting of attorney fees of \$15,092.00 and paralegal fees of \$820.00, for services performed relating to this adversary proceeding. The Notice details 61.60 total attorney hours billed at the hourly rate of \$245.00 and 8.2 total paralegal hours billed at the hourly rate of \$100.00. The Notice does not set forth whether the Debtor/Defendant paid such fees to Branson.

The reasonableness of attorney fees and costs is determined through an examination of the criteria enunciated in In the Matter of First Colonial Corp. of America<sup>1</sup> and Johnson v.

<sup>1</sup> The Fifth Circuit Court of Appeals in In the Matter of First Colonial Corp. of America, 544 F.2d 1291, 1299 (5th Cir.1977) stated:

Georgia Highway Express, Inc.<sup>2</sup> An award of attorney's fees pursuant to Florida Statutes Section 57.105 includes compensation for nonclerical work performed by paralegals and legal assistants. FLA. STAT. § 57.104 (2006).

After consideration of the First Colonial and Johnson factors, the reasonable number of hours for the services performed by Branson is 61.60 at a rate of \$245.00 per hour for attorneys and 8.2 at a rate of \$100.00 per hour for paralegals for a total fee award of \$15,912.00. Fees of \$15,912.00 are due to be awarded to the Debtor/Defendant and Branson pursuant to Florida Statutes Section 57.105(1) and 11 U.S.C. Section 105(a).

In order to establish an objective basis for determining the amount of compensation that is reasonable for an attorney's services, and to make meaningful review of that determination possible on appeal, we held in Johnson v. Georgia Highway Express, Inc., 488 F.2d at 717-19, that a district court must consider the following twelve factors in awarding attorneys' fees . . . .

<sup>2</sup> The Fifth Circuit Court of Appeals in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-19 (5th Cir. 1974) set forth twelve factors for determining reasonable compensation:

- (1) the time and labor required;
- (2) the novelty and difficulty of the questions involved;
- (3) the skill requisite 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;
- (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 attorneys;
- (10) the "undesirability" of the case;
- (11) the nature and the length of the professional relationship with the client;
- (12) awards in similar cases.

Accordingly, it is

**ORDERED, ADJUDGED AND DECREED** that fees of \$15,912.00 are hereby awarded to the Law Office of Robert B. Branson and Ralph F. Porto and against the Plaintiff Richard DeLauro pursuant to Florida Statutes Section 57.105(1) and 11 U.S.C. Section 105(a).

A separate Judgment consistent with these findings and rulings shall be entered contemporaneously.

Dated this 7<sup>th</sup> day of October, 2008.

/s/Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge