



Actually, in this case, precise calculation of the hourly rate, number of hours, etc. is purely academic, since the statute further provides:

"Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant."

42 U.S.C. § 1997e(d)(2).

The monetary judgment in this case totaled \$1.2 million. Only if a reasonable attorney's fee exceeds \$300,000 can the defendants be required to pay counsel fees. The plain import of the statute is that plaintiffs who recover substantial damage awards are expected to pay their counsel themselves, using the proceeds of the award for that purpose. In short, given the amounts of the judgments obtained, the compensation of plaintiffs' counsel is a private matter, to be arranged between themselves.

An Order follows.

