

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 94-60386  
Summary Calendar

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HOLLIS WATKINS, ET AL.,

Plaintiffs-Appellants,

VERSUS

KIRK FORDICE, Etc., ET AL.,

Defendants-Appellees.

STANDING JOINT LEGISLATIVE COMMITTEE, Etc., TIM FORD,  
In His Official Capacity, Etc., and  
WALTER A. GRAHAM, President Pro Tempore,

Intervenors-Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(3:91-CV-364)

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(February 24, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Although this case was resolved before trial, the issue of attorney's fees lingers. For the second time, Plaintiffs appeal the trial court's calculation of attorney's fees and expenses and the amount awarded to them pursuant to 42 U.S.C. §§ 19731(e), 1988. We affirm.

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<sup>1</sup> Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

## FACTS

Plaintiffs brought a voting rights lawsuit against officials of the State of Mississippi. Mississippi's State Legislature redistricted the State before the case went to trial. Plaintiffs then sought attorney's fees and expenses. A three-judge court awarded them \$188,506.55 in attorney's fees and \$10,182.18 in expenses under 42 U.S.C. §§ 19731(e), 1988. Watkins v. Fordice, 807 F. Supp. 406, 412-20 (S.D. Miss. 1992) (subsequent history omitted). The total award was considerably less than that sought by Plaintiffs. Id. at 412. Plaintiffs appealed, and Defendants cross-appealed. On appeal, we affirmed the trial court in all respects but one. Watkins v. Fordice, 7 F.3d 453, 460 (5th Cir. 1993). Because the trial court did not provide adequate support for awarding attorney's fees at the hourly rate used, we remanded the case so that the court could either award the requested hourly rate or state its reasons for deviating therefrom. Id. at 459. On remand, the three-judge court reinstated its award and provided reasons for doing so. Watkins v. Fordice, 852 F. Supp. 542, 550-53 (S.D. Miss. 1994). It also awarded \$5,832.45 attorney's fees and expenses to Plaintiffs for their original appeal to this Court. Id. at 554-56.

In this second appeal, Plaintiffs again complain about the hourly rate arrived at by the trial court. Finally, Plaintiffs contend that the total fee awards constitute an abuse of discretion.

## DISCUSSION

We review awards of attorney's fees for abuse of discretion, and we review supporting factual findings for clear error. Watkins, 7 F.3d at 457. The trial court's discretion in determining the appropriate award of attorney's fees is broad. Id.

The problem with the trial court's determination of hourly rate last time was that it simply listed the appropriate factors to consider and stated that it had considered them. Id. at 459. This time, it set out its reasoning for applying the hourly rates that it calculated. In addition, the court had evidence before it that supports those rates. See Watkins, 807 F. Supp. at 415-16 nn. 18-20. We see no clear error.

Plaintiffs make the same argument with regard to the hourly rate used to calculate the attorney's fees on appeal. The court, referring to its previous discussion of hourly rates, provided additional analysis and actually awarded a higher hourly rate for the appellate work. See Watkins, 852 F. Supp. at 555 & n.28. Again we see no clear error.

Finally, Plaintiffs complain that their total awards amount to an abuse of discretion. We disagree. The court concluded that Plaintiffs' \$800,000 request for attorney's fees, even based on the court's hourly rate, "was grossly excessive." Id. at 554. After all, the case was resolved before trial and within a year after Plaintiffs filed their complaint. Regarding the appeal, although the amount awarded appears small, the appeal was sought solely on

the issue of attorney's fees. We conclude that the trial court did not abuse its discretion.

CONCLUSION

For the foregoing reasons, the trial court's award of attorney's fees and expenses is AFFIRMED.