

**PROBATE COURT  
CITY AND COUNTY OF DENVER, COLORADO**

City & County Building  
1437 Bannock Street, Room 230  
Denver, CO 80202

▲ Court Use Only ▲

In the Matter of the Estate of

████████████████████

Case Number: ██████████

Minor/Protected Person..

**ORDER AUTHORIZING ATTORNEY FEES**

THIS MATTER comes before the Court on the request for attorney fees filed by the Sawaya & Rose, P.C. law firm in the above referenced case.

The Court is required to apply the standards set out in C.R.S. §15-14-417 is setting a reasonable attorney fee when a protected person is involved. Here the Court has applied all of the standards and has determined that the fee requested of \$16,666.66 is unreasonably excessive under the circumstances.

This claim arose from an automobile accident where the minor child was struck by a hit and run driver who later was apprehended and charged. Fault did not involve a novel or unique legal or factual theory. The child was thrown to the ground and was severely injured, her injuries persisted and she needed substantial medical care and rehabilitation.

The insurance company paid the \$50,000 policy limits. There is no evidence that a civil action was filed against the driver, the insurance company did not refuse to pay and no unique or novel issues were presented in this aspect.

The Court turned to the time records to see if the Court could discern a substantial need for extensive or complex legal services in connection with the case. Exhibit A to the Petition reveals that of the time spent on this case, nearly every entry shows conversations, emails, calls or conferences between and among staff at the law firm. In all, 15 separate people charged time to this case and 137 of the 180 time entries involved communications solely between or among the staff of the law firm. Eleven separate paralegals worked on the case but there is no demonstrated reason why so many people spent so much time talking and writing to each other. This is excessive under the circumstances.

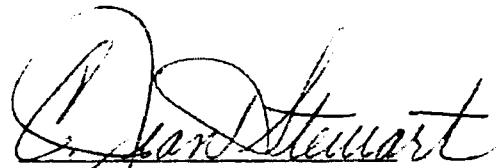
The accident occurred in 2000 but the file shows that the "intake" was charged on 6/10/2003 and the settlement was not presented to the Court until mid-2006. There is no evidence that the law firm was prevented from handling other cases during the pendency of this matter. In fact, with 11 paralegals working for the firm it is hard to imagine that there was not ample time to take on other legal matters.

The Court has determined that a fee of no more than \$5,000 would be justified for the legal services rendered in this case. Nevertheless, the Court has taken into account that the parent signed a contingent fee agreement in this case and that the attorneys who handle personal injury cases for minor children should be encouraged to take on high-risk cases that other attorneys avoid.

Courts must scrutinize contingent fee agreements under their general supervisory powers over attorneys as officers of the court for reasonableness. Anderson v. Kenelly, 37 Colo. App. 217, 547 P.2d 260 (1975). Here the Court has determined that this case was not high-risk inasmuch as this was a policy limits case with no civil litigation and a tortfeasor with charges pending against her, nevertheless the Court allows a contingency increment of 50% on top of the reasonable fee allowed to recognize that the parent agreed to a contingent amount.

Counsel is awarded a fee of \$7,500. The custodian of the restricted account is authorized to direct the bank where the restricted account is held to cut a check made payable to [REDACTED] & [REDACTED] P.C. for the benefit of [REDACTED] and to deliver this check to the law firm as payment in full for its services.

September 12, 2006



C. Jean Stewart  
Judge, Probate Court