

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-CA-539

GENEVIEVE BUTLER, ET AL

versus

ST. JAMES PARISH, ET AL

ON APPEAL FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES, STATE OF LOUISIANA
NO. 39,413, DIVISION "C"
HONORABLE JOHN H. SMITH, JUDGE PRESIDING

March 27, 2026

JOHN J. MOLAISON, JR.

JUDGE

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and John J. Molaison, Jr.

AFFIRMED

JJM
SMC
MEJ

TRUE COPY



JALISA WALKER
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLEE,
GENEVIEVE BUTLER, PASTER HARRY JOSEPH, SR., RISE ST.
JAMES, AND THE LOUISIANA BUCKET BRIGADE

Devin A. Lowell

Lisa W. Jordan

Clara J. Potter

COUNSEL FOR DEFENDANT/APPELLANT,
ST. JAMES PARISH, LOUISIANA, ST. JAMES PARISH COUNCIL,
AND ST. JAMES PARISH PLANNING COMMISSION

Tara E. Clement

MOLAISON, J.

The appellants seek review of the trial court's award of attorney fees to two supervising professors at the Tulane Law School Environmental Law Clinic, which represented the appellees. We affirm for the following reasons.

RELEVANT FACTS AND PROCEDURAL HISTORY

The plaintiffs/appellees in this civil matter are persons and organizations that collectively opposed the construction of a petrochemical factory extension within St. James Parish. From the time the initial petition was filed in July of 2019, the Tulane Law School Environmental Law Clinic represented the plaintiffs *pro bono*, using law school students supervised by Tulane Associate Professors Lisa Jordan and Devin Lowell. After several years of litigation against St. James Parish, the St. James Parish Council, and the St. James Parish Planning Commission, the plaintiffs prevailed on a single claim. The trial court granted the plaintiffs' request for a declaratory judgment on the issue of whether the parish violated Louisiana's Open Meeting Law, La. R.S. 42:25.¹ On March 19, 2025, the appellees filed a motion to fix attorney fees and costs, which the trial court partially granted after a hearing on May 27, 2025. The trial court then granted the appellant's timely motion for a suspensive appeal on August 4, 2025. This appeal follows.

ASSIGNMENTS OF ERROR

1. The district court abused its discretion in awarding attorneys' fees because the award of attorneys' fees under the *Rivet* factors was unreasonable.
2. The district court committed legal error in admitting into evidence Plaintiffs' Exhibit D, a maximum hourly fee schedule published by the Louisiana Attorney General, and this error had a substantial effect on the outcome of Plaintiffs' Motion to Fix Attorney Fees.

¹ The appellants have filed a separate devolutive appeal of that judgment.

LAW AND ANALYSIS

La. R.S. 42:26(C) provides:

C. If a party who brings an enforcement proceeding pursuant to R.S. 42:25 prevails, the party shall be awarded reasonable attorney fees and other costs of litigation. **If such party prevails in part, the court may award the party reasonable attorney fees or an appropriate portion thereof.**

[Emphasis added.] Here, the appellees were successful with one aspect of their action under Louisiana's Open Meeting Law.

Louisiana Supreme Court Rule XX expressly authorizes attorney fee awards to supervising attorneys "for the services rendered by the student attorney and supervising attorney in those cases where the awarding of attorney's fees and costs is provided by statute." In this case, Professors Jordan and Lowell supervised the students at the Tulane Clinic who, collectively, were partially successful in advancing the appellees' claims.

When read together, we find that La. R.S. 42:26 and Louisiana Supreme Court Rule XX provide the basis for an award of attorney fees to Professors Jordan and Lowell under the facts presented.

Standard of review

In making awards of attorney fees, the trial court is vested with great discretion, the exercise of which will not be interfered with, except in a case of clear abuse. *Brandner v. Staf-Rath, L.L.C.*, 12-62 (La. App. 5 Cir. 5/31/12), 102 So.3d 186, 189, *writs denied*, 12-2196, 12-2210 (La. 11/21/12), 102 So.3d 62, *citing Master Credit Corp. v. Campbell & Associates, Inc.*, 98-0349 (La. App. 4 Cir. 11/25/98), 724 So.2d 266, 267. Attorney fees are subject to the review and control by the courts. *Abadie v. Markey*, 97-684 (La. App. 5 Cir. 3/11/98), 710 So.2d 327, 333.

Regardless of the language of the statutory authorization for an award of attorney fees or the method employed by a trial court in making an award of

attorney fees, courts may inquire as to the reasonableness of attorney fees as part of their prevailing, inherent authority to regulate the practice of law. *Richardson v. Parish of Jefferson*, 98-625 (La. App. 5 Cir. 2/10/99), 727 So.2d 705, 708, *writ denied*, 99-864 (La. 5/7/99), 740 So.2d 1289. A reasonable attorney's fee is determined by the facts of an individual case. *Gottsegen v. Diagnostic Imaging Services*, 95-977 (La. App. 5 Cir. 3/13/96), 672 So.2d 940, 943, *writ denied*, 96-0707 (La. 4/26/96), 672 So.2d 909. Factors to be taken into consideration in determining the reasonableness of attorney fees include: (1) the ultimate result obtained; (2) the responsibility incurred; (3) the importance of the litigation; (4) the amount of money involved; (5) the extent and character of the work performed; (6) the legal knowledge, attainment, and skill of the attorneys; (7) the number of appearances involved; (8) the intricacies of the facts involved; (9) the diligence and skill of counsel; and (10) the court's own knowledge. *Rivet v. State, Dept. of Transp. & Dev.*, 96-0145 (La. 9/5/96), 680 So.2d 1154, 1161 (citing *State, DOTD v. Williamson*, 597 So.2d 439 (La. 1992)).

Claim of attorney's fees

The appellees' motion to fix attorney fees and costs included affidavits from both Professors Jordan and Lowell detailing their work on the appellees' case along with spreadsheets that contained their respective billing estimates from 2019 through 2024.² The total amount of attorney fees requested was \$101,700.00. However, the trial court awarded less than that amount in its June 20, 2025 judgment; a fee of \$10,872.86 was given to Professor Jordan and \$53,085.14 was given as a fee to Professor Lowell, for a total of \$63,958.00.

² Professor Lowell billed at \$275.00 per hour, and Professor Jordan billed at \$350.00 per hour. The trial court's award calculations did not include the hours expended by the clinic's student practitioners.

The trial court's reasons for judgment³ first correctly determined that the appellees were allowed a discretionary award of attorney fees because they partially prevailed under La. R.S. 42:25. Next, the trial court specifically applied the ten *Rivet* factors to Tulane's representation of the appellees. It found, in summary, that over the course of a seven-year litigation, Tulane had ultimately obtained a favorable result that "brought to light the procedure required to maintain compliance with law that affects a governing body." It acknowledged the importance of "citizens seeking to compel a governmental agency to follow state law." The trial court observed that "adequate discovery, pre-trial motions, scheduling deadlines, trial preparation and trial presentation were all necessary components of the case." It concluded that in their seven appearances during litigation, "Ms. Jordan and Mr. Lovell exemplified superior knowledge, attainment, diligence and skill."

In determining what it considered to be an appropriate amount for attorney fees, the court stated that it was relying on its own experience to determine that "experienced competent litigation level attorney fees range between \$250.00 and \$475.00 per hour, depending on the nature of the case and the skill of the attorney."⁴ Taking those figures into account, the court concluded that a respective flat rate of \$350.00 for Professor Jordan and \$275.00 per hour for Professor Lovell are reasonable and are within an acceptable range billed by other comparable attorneys for similar work.⁵ The court then deducted the hours spent by Professors Jordan and Lovell "directly related to student training and supervision from

³ Appellate Courts do not review reasons for judgment as a part of the judgment itself. La. C.C.P. art. 1918; *Burmaster v. Plaquemines Parish Government*, 07-1311 (La. 8/31/07), 963 So.2d 378, 379. The written reasons for judgment are merely an explication of the trial court's determinations. *State in Interest of Mason*, 356 So.2d 530, 532 (La. App. 1 Cir. 1977). We refer to them now for this purpose.

⁴ The trial court is allowed to call upon its own experience and expertise in the valuation of legal services rendered. *Naquin v. Louisiana Power & Light Co.*, 05-2104 (La. App. 1 Cir. 11/17/06), 951 So.2d 228, 232, *writ denied*, 06-2979 (La. 3/9/07), 949 So.2d 441.

⁵ In making our own survey of cases where attorneys successfully represented a client for an open meeting law issue, we found that courts have accepted fees within a relatively close range. For example, in *Brightwell v. City of Shreveport*, 54,824 (La. App. 2 Cir. 2/8/23), 356 So.3d 586, the trial court awarded attorney's fees of \$295 per hour and \$225 per hour.

compensable attorney work.” To arrive at the final amount of attorney’s fees, the court included a 20% deduction for what it called a “*pro bono*” factor.

The appellants argue that the appellees’ affidavits and calculations alone were not sufficient to support the award of attorney’s fees. They also assert that the case itself was not complex, requiring any type of advanced lawyering skill. The appellants also contend that the trial court erred in the admission of appellee’s Exhibit “D,” a statement of fee rates published by the Attorney General that Tulane allegedly used as a basis for its hourly rates.⁶ After a review of the record before us, we find that these arguments lack merit.

Conclusion

In this case, La. R.S. 42:26 and Louisiana Supreme Court Rule XX provide the basis for a discretionary award of attorney’s fees to Professors Jordan and Lowell. The trial court made credibility calls about the evidence presented. There is no indication of manifest error in the trial court’s credibility determinations or weighing of the evidence. In calculating the fees, the trial court properly considered the *Rivet* factors and permissibly relied on its own experience and expertise in the valuation of legal services rendered by Professors Jordan and Lowell. The record supports the trial court’s award of attorney fees, which we find to be reasonable under the circumstances. Therefore, we conclude the trial court did not abuse its great discretion.

For these reasons, the judgment of the trial court is affirmed.

AFFIRMED

⁶ We note that the record does not demonstrate that the trial court relied upon Exhibit “D” in its calculation of attorney fees.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **MARCH 27, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-CA-539

E-NOTIFIED

23RD JUDICIAL DISTRICT COURT (CLERK)
HONORABLE JOHN H. SMITH (DISTRICT JUDGE)
CLARA J. POTTER (APPELLEE)
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