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Texas lawyer wins hard-fought fees in bitter disability case

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The National Law Journal | September 6, 2012



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Attorney Seth Hopkins

A Louisiana appeals court has awarded \$2 million in fees and costs to a Houston lawyer who has spent more than a decade in a bitter battle against Louisiana's attorney general over the lack of handicapped-accessible restrooms at a public university.

The Louisiana Third Circuit Court of Appeal on September 5 entered the award for Seth Hopkins in a case he brought on behalf of Collette Covington, a student at McNeese State University. Hopkins helped Covington obtain summary judgment in her 2001 federal civil rights case against the Lake Charles, La., college after she was unable to

use the restrooms at the student union.

Covington, who suffers from epilepsy and uses a wheelchair, urinated on herself while unsuccessfully trying to enter the restroom in January 2001 as an undergraduate.

In its September 5 decision, the appeals panel issued scathing criticism against the Louisiana attorney general's office and outside counsel who defended Covington's Americans with Disabilities Act claims. They had appealed an earlier award of fees to Hopkins, a solo practitioner. The trial court had granted Hopkins and four other attorneys representing Covington a rate of \$240 per hour.

The appeals court rejected the challenge and raised the rate to \$265 per hour.

A spokeswoman for Louisiana Attorney General James "Buddy" Caldwell declined to comment. Messages left for attorneys at Veron, Bice, Palermo & Wilson in Lake Charles, the state's outside counsel, were not returned.

His office, the court said, had taken "a shot-gun approach blasting the whole fee application and assailing Hopkins' credibility — just as it had done for years to derail Covington's ADA

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and personal injury claims."

The court wrote that the defense attorneys' conduct had required Hopkins to spend "countless hours defending his integrity as a person and as a practicing member of the bar." The court wrote that the university, represented by the attorney general's office, had called Hopkins slow, greedy, unethical, obsessive, incompetent and dishonest.

The court stated that McNeese State University had investigated Hopkins' financial records and accessed his private records. Hopkins previously worked at Kasowitz, Benson, Torres & Friedman.

Hopkins said in a telephone interview that Covington is working toward a master's degree in special education at McNeese.

"This has been an emotional case," Hopkins said. "Our intention has always been to make the campus and community better."

The fee award included \$265 per hour for 5,490 billable hours, at an interest rate of 9.5 percent beginning on Feb. 24, 2011. The court also awarded Hopkins about \$89,700 in appeals fees. It assessed \$57,250 in appeals costs against the university.

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