

MALDEF argues in federal court for legal fees

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The lawyers who brought the successful voting-rights lawsuit against Watsonville appeared in federal court yesterday to defend the nearly \$1.7 million in legal fees they want the city to pay.

But city officials said the bill is excessive, and if the city's insurance company continues to balk at paying, it could spell financial doom for a city struggling to recover from the Oct. 17 earthquake.

"It's a triple whammy," Watsonville Mayor Betty Murphy said.

In oral arguments before Judge

William Ingram in San Jose, the representative of the 10 attorneys said the fees are justified, even though it means they will be getting three times their normal hourly rates. For instance, Joaquin Avila, the lead attorney in the case, will be reimbursed at a rate of \$750 an hour.

The city has already paid the lawyer who defended it against the lawsuit. With his fees added in, the total cost would be \$2.2 million if Judge Ingram goes along with the present motion, according to Watsonville City Attorney Luis Hernandez.

Half of that is covered under a policy the city held with one insurance company, Hernandez said. But the city was covered in the \$1 million to \$5 million range by Granite State Insurance Company, which has refused to pay. The city is planning to sue Granite this month.

Avila and the other attorneys for the plaintiffs argue that it's hard to come by a law firm or a lawyer who will take voting rights cases because it's a narrow specialty and the prospect of winning

— and getting paid — is not good.

"The (triple) enhancement is necessary to attract competent counsel," Avila said after the hearing.

According to papers filed in the case, the idea for the lawsuit to force district elections came up in 1983 when community activist Cruz Gomez attended a voting rights conference in Los Angeles. Local attorney Todd McFarren, who is one of the 10 attorneys for the plaintiffs, testified in the papers that it was two years before an attorney could be found to take the lead in the case.

Avila and the other attorneys based their motion on a 1987 decision by the Supreme Court allowing enhancers in civil rights cases.

"It's very risky stuff," he said. "We're not out to break the city. But we intend to be paid whatever we're due."

Judge Ingram said it would take him several weeks to plow through all the details in the motion and make his decision.