

Annual Report on the Award of Attorney Fees



Report Pursuant to Conn. Gen. Stat. § 46a-86(b)

FY 2023

Introduction

The Connecticut Commission on Human Rights and Opportunities (CHRO) is responsible for the enforcement of the state's civil rights laws. Complaints of discrimination filed with the agency are first processed administratively. Complaints that are certified after an investigation as having reasonable cause to have a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint are sent to the Office of Public Hearings for a *de novo* hearing on the merits. Complaints may also be sent to the Office of Public Hearings following a determination made through the Early Legal Intervention process as outlined in Conn. Gen. Stat. § 46a-83(e).

If, upon all the evidence presented at a hearing before the Office of Public Hearings, the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall issue an order requiring the respondent to cease and desist from the discriminatory practice and take such other actions as is necessary. Such further action may include the payment of damages suffered by the complainant as well as reasonable attorney's fees and costs. The amount of attorney fees is not contingent upon the amount of damages requested by or awarded to the complainant.

Pursuant to Conn. Gen. Stat. 46a-86(b), the Commission is required to report to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary on the Commission's award of reasonable attorney's fees and costs. The report shall include but not be limited to: (1) the awards of reasonable attorney's fees and a comparison of such awards to awards of damages; (2) the category of complaint for which damages and attorney's fees are awarded; (3) the Commission's methodology for calculating awards of reasonable attorney's fees and costs; (4) data on the number of employees employed by respondents who were subject to awards of reasonable attorney's fees and costs; and (5) the percentage of complainants and respondents represented by counsel in matters in which awards of reasonable attorney's fees and costs are made.

The following complaints were closed by decision of a Human Rights Referee and awarded attorney fees during the 2022/23 Fiscal Year:

CHRO No., 2230232 Juana Martinez-Perez v. Diaper Dan

1. Comparison of the awards of reasonable attorney's fees to awards of damages.

The Martinez-Perez complaint is an employment complaint with an award of emotional distress damages and attorney fees. In addition to these dollar amounts, pre-judgment interest was awarded pursuant to Conn. Gen. Stat. § 46a-86(b). The full monetary award for the complaint is as follows:

Case	Back pay	Emotional Distress	Attorney's Fees	Total
Martinez-Perez v. Diaper Dan	NA	\$100,000	\$10,930	\$110,930.00

As a percentage of the total awards, the awards of attorney's fees was 10% of the total award.

2. The category of complaint for which attorney's fees are awarded.

The Martinez-Perez complaint was an employment discrimination complaint filed on the basis of her sex and prior opposition to discrimination.

3. The methodology for calculating awards of reasonable attorney's fees.

To determine the amount of attorney's fees to be awarded, the referee relied on an affidavit from the Complainant's attorney regarding the number of hours spent working on the complaint and their reasonable rate. This method, known as the Lodestar Method, is widely adopted by Connecticut courts for determining reasonable attorney's fees.

4. Data on the number of employees employed by respondents who were subject to awards of reasonable attorney's fees.

The decision notes that the Respondent in the Martinez-Perez case had 18 employees at its height and 10 employees at the time the Complainant left the employment of the Respondent.

5. The percentage of complainants and respondents represented by counsel in matters in which awards of reasonable attorney's fees are made.

The Complainant was represented by counsel in the Martinez-Perez complaint while the Respondent was not. This means that 50% of the parties were represented by counsel in a matter in which the award of reasonable attorneys fees was made.