

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
GREAT FALLS DIVISION

Deais P. Clark v. Frank Bisignano, Commissioner of Social Security

No. CV-15-34-GF-BMM (D. Mont. Dec. 8, 2025) · No. CV-15-34-GF-BMM · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Montana grants Plaintiff Deais P. Clark’s motion for attorney’s fees under 42 U.S.C. § 406(b)(1). The court finds that the requested \$40,482.75 fee, representing the remaining portion of withheld past-due benefits after administrative fees, is reasonable under *Gisbrecht v. Barnhart* and related Ninth Circuit precedent. The court concludes that counsel obtained a successful remand and favorable Social Security disability determination and did not cause the lengthy administrative proceedings.

CASE DETAILS

COURT	United States District Court for the District of Montana, Great Falls Division
WRITING FOR THE COURT	Brian Morris
JURISDICTION	United States District Court for the District of Montana, Great Falls Division
DECIDED	December 8, 2025
DOCKET	CV-15-34-GF-BMM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for an award of attorney's fees under 42 U.S.C. § 406(b)(1) following a successful federal-court appeal, remand for further administrative proceedings, and a later fully favorable Social Security disability decision.
STANDARD OF REVIEW	Reasonableness review of a contingent-fee agreement and requested attorney-fee award under 42 U.S.C. § 406(b), subject to the statutory 25 percent cap.
PRECEDENTIAL VALUE	Unknown

TOPICS

- attorney fees
- administrative law
- judicial review of agency action
- summary judgment
- civil procedure

PRACTICE AREAS

Social Security disability

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the requested attorney-fee award under 42 U.S.C. § 406(b)(1) was within the statutory 25 percent cap.
2. Whether the contingent-fee agreement and requested \$40,482.75 award were reasonable in light of the character and results of counsel's representation, responsibility for delay, and proportionality to the time expended.

HOLDINGS

1. The requested \$40,482.75 attorney-fee award did not exceed 25 percent of Clark's past-due benefits and therefore complied with the statutory cap.
2. The requested \$40,482.75 award was reasonable under the circumstances and was properly granted.

KEY QUOTATIONS

"A court more appropriately should focus on the reasonableness of the contingency agreement and counsel's request as opposed to the de facto hourly rate." (at 5)

"Clark's counsel's requested fee amount of \$40,482.75 proves reasonable." (at 5)

FACTUAL BACKGROUND

Clark applied for Social Security disability benefits in 2012 and was repeatedly denied benefits during the administrative process. The district court previously found that the Commissioner failed to properly credit medical findings from Clark's primary treating physician, granted summary judgment to Clark, and remanded for further proceedings. After multiple additional administrative proceedings over approximately nine years, Clark received a fully favorable decision and \$198,731 in past-due benefits, from which the Commissioner withheld \$49,682.75 for attorney fees.

PROCEDURAL HISTORY

Clark was denied Social Security disability benefits initially, on reconsideration, and by an Administrative Law Judge. The district court granted Clark's motion for summary judgment, denied the Commissioner's cross-motion, and remanded for further administrative proceedings after finding legal error concerning the treatment of a treating physician's medical findings. After repeated unfavorable administrative decisions and remands, the ALJ issued a fully favorable decision on September 4, 2025. Clark's counsel then sought \$40,482.75 in § 406(b) fees from the amount withheld from Clark's past-due benefits; the court granted the motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142 (9th Cir. 2009)
- *Palos v. Colvin*, No. CV 15-04261-DTB, 2016 WL 5110243 (C.D. Cal. Sept. 20, 2016)
- *Daniel v. Astrue*, No. EDCV 04-01188-MAN, 2009 WL 1941632 (N.D. Cal. July 2, 2009)

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