

SUPREME COURT OF TEXAS

Larry T. Long, L. Allan Long, and B. Virginia Long, in Their Capacities as Trustees of the Lawrence Allan Long Trust, the Charles Edward Long Trust, the Larry Thomas Long Trust and the John Stephen Long Trust D/B/A the Long Trusts v. Robert M. Griffin, Robert M. Griffin, Jr., Charles W. Conrad, Marvin Ogilvie, and Marie Ogilvie

No. 11-1021 · No. 11-1021 · Decided April 25, 2014

SUMMARY

The Supreme Court of Texas held that the Griffins did not provide legally sufficient evidence to support an attorney's fee award under the lodestar method because they failed to show the time expended on specific tasks. The court also held that the contingency-fee method could not support the award because the final judgment provided no monetary relief other than attorney's fees. The court reversed the court of appeals' judgment and remanded for a redetermination of attorney's fees, declining to reach the postjudgment-interest issue.

CASE DETAILS

COURT	Supreme Court of Texas
JURISDICTION	Texas
DECIDED	April 25, 2014
DOCKET	11-1021
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Long Trusts petitioned the Supreme Court of Texas for review of a court of appeals judgment affirming the attorney's-fee award and modifying the date from which postjudgment interest accrued.
STANDARD OF REVIEW	Legal sufficiency review of the evidence supporting the amount of attorney's fees; the court considered whether legally sufficient evidence enabled the trial court to meaningfully review the fee application.
PRECEDENTIAL VALUE	published opinion

PARTIES

Larry T. Long, L. Allan Long, B. Virginia Long, in their capacities as trustees of the Lawrence Allan Long Trust, the Charles Edward Long Trust, the Larry Thomas Long Trust, and the John Stephen Long Trust D/B/A the Long Trusts v. Robert M. Griffin, Robert M. Griffin, Jr., Charles W. Conrad, Marvin Ogilvie, Marie Ogilvie

TOPICS

remedies declaratory judgment appellate procedure standard of review contracts

PRACTICE AREAS

attorney's fees civil procedure appellate procedure contracts trusts oil and gas

QUESTIONS PRESENTED

1. Whether legally sufficient evidence supported the amount of attorney's fees awarded under the lodestar method when the fee application did not identify the time expended on specific tasks.
2. Whether the contingency-fee arrangement could support the attorney's-fee award when the final judgment awarded no monetary relief other than attorney's fees.
3. Whether postjudgment interest should accrue from the original 2003 judgment or the later 2009 final judgment.

HOLDINGS

1. A claimant using the lodestar method to prove attorney's fees must provide evidence of the services performed, who performed them, the hourly rate, when the services were performed, and the amount of time required for the work. General descriptions of litigation activities and aggregate hours are legally insufficient because they do not permit meaningful review of the reasonableness and necessity of the requested fees.
2. The contingency-fee method could not support the attorney's-fee award because the final judgment awarded no monetary relief other than attorney's fees.
3. The court did not reach the postjudgment-interest issue because it was remanding for consideration of additional evidence concerning attorney's fees.

KEY QUOTATIONS

"This Court has made clear that a party choosing the lodestar method of proving attorney's fees must provide evidence of the time expended on specific tasks to enable the fact finder to meaningfully review the fee application." (at 1)

"Sufficient evidence includes, at a minimum, evidence "of the services performed, who performed them and at what hourly rate, when they were performed, and how much time the work required."" (at 3)

"In sum, under the lodestar method, no legally sufficient evidence supports the amount of attorney's fees the trial court awarded because no evidence indicates the time expended on the specific tasks for which attorney's

fees may be recovered.” (at 6)

FACTUAL BACKGROUND

The Griffins pursued claims against the Long Trusts arising from oil and gas ventures, including an assignment claim concerning a partial working interest in producing wells. Their attorney's-fee affidavit stated that two attorneys worked 644.5 hours for a total lodestar fee of \$100,000 and allocated 30 percent of the time to the assignment claim, but it provided only general descriptions of the litigation and no evidence of the time spent on specific tasks. After the Griffins' recovery was modified on an earlier appeal, the trial court awarded \$30,000 in attorney's fees.

PROCEDURAL HISTORY

The Griffins sued the Long Trusts over claims arising from oil and gas ventures, including an assignment claim. After a bench trial, the trial court awarded the Griffins attorney's fees. The court of appeals modified and affirmed the judgment, and the Supreme Court of Texas previously reversed in part and remanded for redetermination of attorney's fees after modifying the Griffins' recovery. On remand, the trial court awarded \$30,000 in attorney's fees; the court of appeals found legally and factually sufficient evidence but modified the postjudgment-interest date. The Supreme Court granted review, reversed the court of appeals, and remanded for another redetermination of attorney's fees.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for a redetermination of attorney's fees consistent with the opinion, including consideration of additional evidence identifying the time expended on specific tasks. The lower courts should also apply the principles clarified in *Long v. Castle Texas Production Limited Partnership* when assessing the date from which postjudgment interest accrues.

CASES CITED

- *Griffin v. Long*, 144 S.W.3d 99, 112 (Tex. App.—Tyler [12th Dist.] [year not stated in source])
- *Long v. Griffin*, 222 S.W.3d 412, 416-17 (Tex. 2006)
- *Bocquet v. Herring*, 972 S.W.2d 19, 21 (Tex. 1998)
- *El Apple I, Ltd. v. Olivas*, 370 S.W.3d 757, 763-65 (Tex. 2012)
- *City of Laredo v. Montano*, 414 S.W.3d 731, 736-37 (Tex. 2013)
- *Long v. Castle Texas Production Limited Partnership*, __ S.W.3d __ (Tex. 2014)