

**Office of Special Masters
Attorneys' Forum Hourly Rate Fee Schedule: 2015 – 2016**

Attorneys with:

31+ years of experience in practice	\$385 – \$430
20 – 30 years of experience in practice	\$350 – \$415
11 – 19 years of experience in practice	\$300 – \$375
8 – 10 years of experience in practice	\$275 – \$350
4 – 7 years of experience in practice	\$225 – \$300
Less than 4 years of experience in practice	\$150 – \$225
Paralegals	\$125 – \$145

Explanatory Notes

1. The schedule above applies to work performed in calendar years 2015 and 2016.
2. The Office of Special Masters (OSM) prepared these ranges of hourly rates for attorneys of varying experience and for paralegals for the purpose of evaluating motions for attorneys' fees in vaccine cases filed in the United States Court of Federal Claims. See 42 U.S.C. §§ 300aa-10 to -34 (2012) (National Childhood Vaccine Injury Act or the "Vaccine Act"); 42 U.S.C § 300aa-15(e)(1). The schedule adopts the ranges set forth in McCulloch v. Sec'y of Health & Human Servs., No. 09-293V, 2015 WL 5634323 (Fed. Cl. Spec. Mstr. Sept. 1, 2015), which has been endorsed by all sitting special masters as of October 24, 2016.
3. The Federal Circuit has approved use of the lodestar approach to determine the "reasonable attorneys' fees" under the Vaccine Act. Avera v. Sec'y of Health & Human Servs., 515 F.3d 1343, 1347 (Fed. Cir. 2008). Under this approach, a reasonable number of hours is multiplied by a reasonable hourly rate. Id. at 1347-48 (quoting Blum v. Stenson, 465 U.S. 886, 888 (1984)). A reasonable hourly rate is "the prevailing market rate" defined as the rate prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation." Id. at 1348 (quoting Blum at 896 n.11).

4. The rates listed herein are forum rates. The forum is the location in which the deciding tribunal sits, which is Washington, D.C. See Avera, 515 F.3d at 1353. Forum rates will be used in the lodestar formula except when the rates in an attorney's local area are significantly lower than the forum rates. See id. at 1343; Davis Cnty. Solid Waste Mgmt. & Energy Recovery Special Serv. Dist. v. United States Env'tl. Prot. Agency, 169 F.3d 755, 758 (D.C. Cir. 1999). Forum rates are calculated in large part based on the years of experience of the attorney/paralegal and the corresponding hourly rate range. See Garrison v. Sec'y of Health & Human Servs., No. 14-762V, 2016 WL 3022076, at *8 (Fed. Cl. Spec. Mstr. Apr. 29, 2016), mot. for rev. denied, 2016 WL 4784054 (Fed. Cl. Aug. 17, 2016). The rationale for the use of hourly range is set forth in McCulloch v. Sec'y of Health & Human Servs., No. 09-293V, 2015 WL 5634323 (Fed. Cl. Spec. Mstr. Sept. 1, 2015).
5. The Laffey Matrix and its more current permutations have been used as a model for this schedule, but the Laffey rates are not applicable in the Vaccine Program. See Rodriguez v. Sec'y of Health & Human Servs., No. 06-559V, 2009 WL 2568468 (Fed. Cl. Spec. Mstr. July 27, 2009), aff'd, 632 F.3d 1381 (Fed. Cir. 2011); Masias v. Sec'y of Health & Human Servs., No. 99-697V, 2009 WL 1838979 (Fed. Cl. Spec. Mstr. June 12, 2009), aff'd, 634 F.3d 1283 (Fed. Cir. 2011).
6. The years of experience listed in this schedule refer to an attorney's years of experience practicing law, which generally will be calculated based on the year an attorney was admitted to the bar. Individual facts and circumstances may warrant an adjustment to the schedule.
7. As stated in McCulloch, the following factors are paramount in deciding a reasonable forum hourly rate: experience in the Vaccine Program, overall legal experience, the quality of work performed, and the reputation in the legal community and community at large. 2015 WL 5634323, at *17.