

Annual Report on the Award of Attorney Fees



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

FY 2024

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 2023/24 Fiscal Year:

CHRO No., 2050120 CHRO ex rel. Dianna Pele v. JFA Management LLC

CHRO No., 1950142 CHRO ex rel. Melissa Dunlap v. Joanne Beldotti

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

The Martinez-Perez complaint is a housing discrimination complaint with an award of emotional distress damages and attorney fees. The Dunlap complaint was a housing discrimination complaint similarly awarded 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 complaints is as follows:

Case	Back pay	Emotional Distress	Attorney's Fees	Total
Dianna Pele v. JFA Management LLC	NA	\$150,000	\$19,215	\$169,215
Dunlap v. Joanne Beldotti	NA	\$56,000	\$32,082.50	\$88,082.50

As a percentage of the total awards, the awards of attorney's fees was 20% of the total award.

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

Both complaints were housing discrimination complaints. In Pele, the complainant alleged discrimination on the basis of her physical and mental disabilities, her lawful source of income, and her previous filing of a complaint. In Dunlap, the complainant alleged discrimination on the basis of her familial status.

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

To determine the amount of attorney's fees to be awarded for both complaints, 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.

As housing discrimination complaints, the number of employees was not relevant to either complaint and there is no discussion in the cases about the number of employees employed by the respondents.

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

The Complainants were represented by private counsel in both of the cases. In the Pele case, the respondent had counsel. In the Dunlap case, the respondent did not. This means that counsel represented 75% of the parties where attorney fees were awarded.