

165 F.3d 35 (Table), 1998 WL 822734 (9th Cir.(Or.)) Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA9 Rule 36-3 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Ninth Circuit.

**Clara KOSER, Plaintiff-Appellant,**  
**v.**  
**Kenneth S. APFEL, Commissioner of the Social Security Administration,**  
**Defendant-Appellee.**

No. 97-36145.  
D.C. No. CV-96-06244-JAR.

Argued and Submitted Nov. 5, 1998.  
Decided Nov. 17, 1998.

Appeal from the United States District Court for the District of Oregon, James A. Redden, District Judge, Presiding.

Before NOONAN, THOMPSON and TROTT, Circuit Judges.

MEMORANDUM [FN\*]

FN\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\*1 Clara Koser appeals the amount of attorney fees awarded her attorneys pursuant to 42 U.S.C. § 406(b)(1) following her successful challenge of an adverse Social Security Administration disability benefits decision. Koser contends that the district court abused its discretion when it determined the attorney fees using hourly rates lower than her attorneys have received in prior Social Security cases before the same court. We have jurisdiction under 28 U.S.C. § 1291, and we affirm the district court's fee determination.

Koser carries the burden of producing "satisfactory evidence," in addition to her attorneys' own affidavits, that the requested rates comport with "those prevailing in the community for similar services by lawyers of reasonably comparable skill,

experience, and reputation." *Widrig v. Apfel*, 140 F.3d 1207, 1209 (9th Cir.1998) (quoting *Blum v. Stenson*, 465 U.S. 886, 895-97 n. 11, 104 S.Ct. 1541, 79 L.Ed.2d 891 (1984)). Koser failed to meet this burden. Her counsel submitted only (1) their affidavits discussing their own worth and (2) citations to other cases in which they had received their requested hourly rates. Neither of these submissions established the market rates of other similarly skilled attorneys handling similar cases.

The district court did not abuse its discretion by rejecting the attorneys' proposed rates, nor by determining a reasonable fee based on the court's knowledge of similar cases and its consultation with other District of Oregon judges.

AFFIRMED.

C.A.9 (Or.),1998.

*Koser v. Apfel*

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