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2012 IL App (3d) 110376-U

Order filed November 8, 2012

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

A.D., 2012

CHRISTINE HENRY, on behalf of the	)	Appeal from the Circuit Court
minor child, K.J.H. and	)	of the 12th Judicial Circuit,
K.M.H., individually,	)	Will County, Illinois,
	)	
Petitioner-Appellant,	)	Appeal No. 3-11-0376
	)	Circuit No. 08-OP-1094
v.	)	
	)	
THOMAS J. KEITH,	)	Honorable
	)	Marilee Viola,
Respondent-Appellee.	)	Judge, Presiding.

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JUSTICE LYTTON delivered the judgment of the court.  
Justice Wright concurred in the judgment.  
Presiding Justice Schmidt dissented.

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**ORDER**

- ¶ 1 *Held:* (1) Where petitioner presented a *prima facie* case demonstrating that counseling was required as a direct result of the abuse suffered by petitioner, trial court erred in granting a directed finding in favor of respondent on the issue of counseling costs. (2) Where attorney fees were reasonable and suffered by petitioner as a direct result of respondent's abuse, trial court erred in significantly reducing award of fees without properly considering reasonableness factors.
- ¶ 2 Petitioner, Christine Henry, appeals from an order of the circuit court denying counseling

costs and attorney fees associated with a plenary order of protection entered against her brother, respondent Thomas Keith. On appeal, Henry argues that the trial court (1) erred in granting respondent's motion for a directed finding on her motion for counseling costs, and (2) erred in dramatically reducing her request for attorney fees. We reverse and remand for further proceedings.

¶ 3 In May of 2008, petitioner Henry, learned that respondent had sexually abused her daughter, K.M.H., ten years earlier and that her younger daughter, K.J.H., was present in the room when the abuse occurred. At the time of the incident, K.M.H. was eight years old and K.J.H. was four. As a result of the alleged abuse, Henry filed for and received an emergency order of protection, with her two daughters listed as protected parties. After a contested hearing, a two-year plenary order of protection was entered on January 5, 2009.

¶ 4 In November 2010, Henry moved for attorney fees and counseling costs pursuant to section 60/214(b)(13) of the Illinois Domestic Violence Act of 1986 (Domestic Violence Act) (750 ILCS 60/214(b)(13) (West 2008). She requested \$3,813 for counseling costs and \$4,784.80 for attorney fees that she incurred as a result of the abuse K.M.H. suffered. The monthly legal invoices attached to Henry's motion for fees included a detailed description of legal services and listed the following charges:

11/10/08	\$330 - Bretz conference with client; review of file in preparation for conference.
12/29/08	\$412.50 - conference with client and daughter to prepare for OP hearing.
1/29/09	\$832.50 - court appearance for rehearing on plenary OP and conference regarding possibility of amending OP to add counseling costs.
2/18/09	\$150 - preparation of petition for attorney fees.

2/19/09 \$40 - review additional counseling costs and emails from client.

4/15/09 \$20 - telephone conversation with paralegal about OP.

4/17/09 \$150 - court reporter transcript costs.

1/31/10 \$70 - additional telephone conversations with paralegal about OP.

4/30/10 \$187.50 - dictation of motion and preparation of petition for counseling costs and attorney fees.

¶ 5 In January 2011, Henry filed a request to amend the order of protection to add K.M.H. as a named petitioner because she had reached the age of majority. The respondent objected. As a result, the trial court requested additional statutory authority to support Henry's request. In response, Henry filed an amended motion for joinder of petitioner. At the same time, Henry's attorney filed a verified petition on behalf of K.M.H., requesting an order of protection, in the event the trial court sustained respondent's objection to the request to add K.M.H. as a party to the original order.

¶ 6 The trial court conducted a hearing on Henry's motion to extend the order of protection, as well as her request for counseling costs and attorney fees. At that hearing, K.M.H. testified as to her recollection of the abuse. Her counselor, Janis Runyan, also testified. Runyan stated that she began counseling K.M.H. in 2008 because she had experienced childhood sexual abuse. K.M.H. was having flashbacks of the abuse and experiencing symptoms of panic anxiety and depression. At first, Runyan met with K.M.H. weekly and then every other week. She now sees K.M.H. once a month. Runyan believed K.M.H. had made an honest effort to participate in counseling and to following her advice and was steadily improving. During counseling sessions, Runyan helped K.M.H. deal with different symptoms she experienced. She testified that K.M.H. should be done with counseling in approximately 12 months.

¶ 7 On cross-examination, Runyan testified as follows:

Q: In the course of these sessions that you have gone through with [K.M.H.], can you tell us all you deal with in these sessions is just the allegations of the sexual abuse?

A: No, sometimes she will have symptoms so we talk about different symptoms that she's having and how she can deal with the symptoms.

Q: But the symptoms, do you ever deal with any matters at home?

A: If the symptom may be triggered by something that happened, correct.

Q: And so in the course of your counseling, issues at home, do they ever come up?

A: Yes.

Q: And your testimony today is that all of the issues at home that arise in counseling are directly related to this, to the allegations in this case?

A: I think that she has—the way she had learned to be has been a product of what she experienced in her past.

Q: Let's talk about the product of what she's experienced. What's your understanding as far as what she experienced.

A: What's my understanding?

Q: Yes.

A: What actually happened, you mean, or what do you mean?

Q: Yeah, what do you believe to have actually occurred?

A: She believes that her uncle sexually molested her."

Runyan also testified that she and K.M.H. talked about the incident of abuse on several occasions. In recent sessions, they had discussed the abuse more frequently because K.M.H. was fearful about seeing her uncle in court.

¶ 8 Runyan further testified that she charged a rate set by her employer, Family Counseling Trinity Services, and that her rate of \$125 per clinical hour was standard for the area. Runyan reviewed a bill for her services and testified that the dates listed on the sheet corresponded to the dates and times she met with K.M.H.

¶ 9 On the issue of attorney fees, Henry testified that on June 26, 2008, she paid a \$750 retainer fee to Erin O'Sullivan, an attorney who was then practicing in Chuck Bretz' firm. Under the retainer agreement, she agreed to pay O'Sullivan \$200 as an hourly rate and \$250/hour for court time, up to and including the second court appearance on September 4, 2008. Shortly thereafter, O'Sullivan left the firm. Henry testified that she met with Bretz after O'Sullivan left. During the meeting, Bretz explained that he charged \$275/hour and \$325/hour for court time and that his paralegal's rate was \$100/hour. Henry agreed to pay those rates, and Bretz took over the case. At the time of the hearing, Henry had paid all the legal fees she incurred in full.

¶ 10 Attorney Chuck Bretz testified that he had more than 25 years of experience and that the billing rate he charged Henry was the usual and customary rate in Will County. Respondent stipulated that Attorney Bretz' rate was usual and customary for the area.

¶ 11 At the conclusion of the hearing, the court entered an order finding that K.M.H.'s testimony of sexual abuse was credible. The court also found that there had been no change of circumstances and extended the order of protection to February 7, 2013.

¶ 12 The trial court then granted respondent's motion for a directed finding as to counseling costs. Specifically, the court was not satisfied that there had been a sufficient presentation of the services provided:

"I had some very sketchy testimony here regarding those. The counselor herself said that she hadn't seen the or ---- hadn't seen the billing form. She simply testified, 'Yeah, those were the dates I saw her but I don't know if anything else was included.' I just don't feel there has been a specific showing.

So as far as-- I don't think that the petition has met their [sic] burden. I think there were not specific enough details for the Court to find that those were, in fact, reasonable."

¶ 13 The trial court also found that Henry failed to establish the value of legal services rendered or that the attorney fees she incurred were reasonable. The court determined that the original retainer of \$750, plus four court appearances at \$250 each, were appropriate and reasonable charges for an order of protection case. It then reduced Henry's request accordingly and ordered respondent to pay attorney fees in the amount of \$1,750.

¶ 14 Henry moved to reconsider and attached an exhibit listing additional attorney fees and charges for the following dates:

8/12/10           \$60 - revised petition for costs and attorney fees.

11/30/10          \$285.70 - motion for attorney fees; appeared in court and letter to client.

12/31/10 \$470 - conference with client, review file, court appearance to reset hearing.  
1/31/11 \$2,795 - preparation of motion to add K.M.H.; court appearance for extension of OP; court appearance on motion to add petitioner; lengthy conference with client (1.5 hrs); paralegal charges for meeting (2 hrs), dictation/drafting motion.

The trial court denied the motion.

¶ 15 I. Counseling Costs

¶ 16 Henry argues that the trial court erred in granting respondent's motion for a directed finding as to counseling costs because she presented a *prima facie* case establishing their necessity.

¶ 17 a. Standard of Review

¶ 18 When ruling on a motion for directed finding, the trial court must apply a two-step analysis. *Kokinis v. Kotrich*, 81 Ill. 2d 151 (1980). First, the trial court must determine, as a matter of law, whether the petitioner has presented a *prima facie* case. *Kokinis*, 81 Ill. 2d at 154-55. In other words, the court must determine whether the petitioner presented some evidence on each of the elements of the case. *Minch v. George*, 395 Ill. App. 3d 390 (2009). Second, if the petitioner presented a *prima facie* case, the court must then consider and weigh the evidence offered, including that which is favorable to the defendant, and determine whether the *prima facie* case survives. *Minch*, 395 Ill. App. 3d at 398. At the second stage, the court must consider all of the evidence and pass on the credibility of the witnesses, draw reasonable inferences from the testimony and consider the weight and quality of the evidence. *Kokinis*, 81 Ill. 2d at 154.

¶ 19 If the trial court finds that the petitioner has failed to present a *prima facie* case as a matter of law, the standard of review on appeal is *de novo*. *In re Estate of Goldstein*, 293 Ill. App. 3d 700

(1997). If the trial court moves past the first stage of the analysis to consider the weight and credibility of the evidence and finds that no *prima facie* case remains, the appropriate standard of review is the "manifest weight of the evidence" standard. *In re Estate of Goldstein*, 293 Ill. App. 3d at 709.

¶ 20 Here, the trial court determined that Henry's case did not survive after considering the invoices and counseling charges and weighing Runyan's testimony. Thus, the court's decision should not be reversed on appeal unless it is contrary to the manifest weight of the evidence.

¶ 21 *b. Trial Court's Ruling*

¶ 22 In order of protection cases, the respondent may be instructed to pay the petitioner for losses suffered as a result of the abuse or neglect. Section 60/214(b)(13) of the Domestic Violence Act provides:

"Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals." 750 ILCS 60/214(b)(13) (West 2008).

¶ 23 At the hearing for costs and fees, Runyan testified that she provided counseling to K.M.H. to help her deal with her feelings as a result of the abuse. The treatment involved teaching K.M.H. behavior therapy to help her lead a more productive life. She stated that K.M.H. made an honest effort to participate in the counseling sessions, that she was showing signs of improvement, and that the sessions would last for another year. After reviewing the bills for K.M.H.'s services, Runyan

testified that the dates listed corresponded to the dates that she counseled K.M.H. She further testified that she charged \$125 per hour, the customary rate for the area. Respondent did not contest Runyan's testimony regarding the relation of counseling to the abuse, nor did he object to the reasonableness of the rate Runyan charged. Under these circumstances, we find no evidence to suggest that K.M.H.'s counseling expenses were not directly related to the alleged abuse by respondent; all of the evidence indicates the opposite conclusion. Thus, the trial court's determination that Henry failed to sustain her case is against the manifest weight of the evidence.

¶ 24 The trial court's determination appears to rely on Runyan's statement that she and K.M.H. would "sometimes" discuss matters that arose at home. Based on that statement, the court concluded that K.M.H. needed counseling for other issues that were unrelated to the abuse. However, a full reading of Runyan's cross-examination demonstrates that Runyan believed the issues they discussed, including the behavioral issues at home, were directly related to the past abuse inflicted by respondent.

¶ 25 In light of Runyan uncontradicted testimony, we find that Henry presented sufficient evidence to sustain her *prima facie* case for counseling costs. The trial court's decision granting respondent's motion is against the manifest weight of the evidence. We therefore reverse the directed finding entered in favor of respondent and remand to allow the trial court to calculate the total amount of counseling costs incurred as a result of the abuse.

¶ 26 II. Attorney Fees

¶ 27 Henry also claims that the trial court erred in reducing her request for attorney fees she incurred as a result of the abuse.

¶ 28 A petition for fees must present the court with detailed records containing facts and

computations in support of the charges and specify the services provided, by whom they were performed, the time expended and the hourly rate charged. *Sampson v. Miglin*, 279 Ill. App. 3d 270 (1996). In assessing the reasonableness of those fees, the trial court should consider several factors, including: (1) the time and labor required, the novelty and difficulty of the question involved and the skill required; (2) the likelihood that acceptance of the particular legal employment will preclude the lawyer from accepting other legal employment; (3) the customary fee charged for similar services; (4) the amount of time involved and the results obtained; (5) any time limitations imposed; (6) the nature and length of the attorney-client relationship; (7) the experience, reputation and ability of the lawyer; and (8) whether the fee is fixed or contingent. Ill. Rs. Prof. Conduct 1.5(a) (eff. Aug. 1, 1990).

¶ 29 Although the amount of an attorney fees award is generally left to the discretion of the trial court, that discretion is not unchecked. *Hensley v. Eckerhart*, 461 U.S. 424 (1983); *Advocate Health & Hospitals Corp. v. Heber*, 355 Ill. App. 3d 1076 (2005). The abuse of discretion standard presupposes a reasoned exercise of discretion. The trial court may not arbitrarily reduce a fee award; a drastic reduction requires a clear and concise explanation. *Advocate Health & Hospitals Corp.*, 355 Ill. App. 3d at 1079. Lack of explanation constitutes an abuse of discretion where the reasons for the unexplained reduction are not apparent from the record. *Id.* Under such circumstances, a reviewing court should remand the cause to the trial court to state the reasons for its decision. *Hummell v. S.E. Rykoff & Co.*, 634 F.2d 446 (9th Cir. 1980).

¶ 30 Here, the trial court briefly mentioned the factors and summarily determined that the award of attorney fees should be reduced to \$1,750. However, in reaching its decision, the trial court failed to give due consideration to the factors in the Rules of Professional Conduct.

¶ 31 The court did not consider many of the itemized bills for legal services. Specifically, it did not discuss why it was denying charges for conferences with the client to prepare for hearings, court appearances, time spent drafting legal documents related to the order of protection, motions prepared by the paralegal, or other costs and fees specifically listed on the monthly invoices. These services were directly related to Henry's order of protection case and should have been awarded.

¶ 32 In addition, the court failed to properly address the time and labor involved in this case and the results obtained by counsel. This case was not a typical order of protection case. This was not a case of domestic abuse in which a victim sought a protective order due to a recent incident of physical or mental abuse. In this case, Henry sought the advice of competent legal counsel to protect her daughters after learning that, ten years earlier, her brother allegedly sexually abused her eight-year-old daughter and the only witness to the incident was K.M.H's four-year-old sister. Henry's attorneys filed for an emergency order of protection and sought a plenary order of protection against respondent. Respondent vigorously contested the petition, and counsel was required to respond by filing several written motions and making numerous court appearances. Counsel spent more than three years representing Henry and successfully obtained a two-year order of protection and an extension of the original order through February of 2013. While we cannot, at this point, determine that all of counsel's fee request is reasonable, the invoices attached to the November 2010 motion for fees specified the services provided, the time expended and the hourly rate charged, and the trial court should have considered them in the award.

¶ 33 Moreover, the trial court did not specify how the deduction of fees affected its computation of "reasonable" fees. The order provided no explanation regarding the hours and rates it chose to ignore, nor are the reasons for the court's decision apparent from the record. See *Advocate Health*

*& Hospitals Corp.*, 355 Ill. App. 3d at 1079; see also *Production & Maintenance Employees' Local 504 v. Roadmaster Corp.*, 954 F.2d 1397 (7th Cir. 1992).

¶ 34 The trial court's order represented a significant reduction in the attorney fees requested by Henry. The law requires the trial court to consider the factors for determining reasonable fees under Rule 1.5(a) and provide a clear explanation of how it arrived at its decision. The court's failure to do so in this case constitutes an abuse of discretion. See *Hummell*, 634 F.2d at 452. We therefore reverse the court's reduction of attorney fees and remand for further proceedings.

¶ 35 **CONCLUSION**

¶ 36 The judgment of the circuit court of Will County is reversed, and the cause is remanded for further proceedings.

¶ 37 Reversed and remanded.

¶ 38 PRESIDING JUSTICE SCHMIDT, dissenting.

¶ 39 The majority correctly notes that our standard of review on both issues calls for deference to the trial court. *Supra* ¶¶ 7, 29. I find these deferential standards require affirmation of the trial court's judgment for the reasons set forth below and, therefore, respectfully dissent.

¶ 40 Regarding the counseling fees, again, the majority correctly notes we review the trial court's decision not to award these fees under the manifest weight of the evidence standard. *Supra* ¶ 7. In another case involving the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 *et seq.* (West 2004)), our supreme court clarified the manifest weight of the evidence standard stating:

"A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented. [Citation.] Under the manifest weight standard, we give deference to

the trial court as the finder of fact because it is in the best position to observe the conduct and demeanor of the parties and witnesses. [Citation.] A reviewing court will not substitute its judgment for that of the trial court regarding the credibility of witnesses, the weight to be given to the evidence, or the inferences to be drawn." *Best v. Best*, 223 Ill. 2d 342, 350-51 (2006).

¶ 41 The trial court voiced "concern" over the evidence petitioner adduced regarding the counseling fees. Specifically, the trial court noted Runyan herself said she had never seen the billing form that petitioner introduced into evidence. The trial court noted that Runyan "simply testified, 'Yeah, those were the dates I saw her but I don't know if anything else was included.' I just don't feel there has been a specific showing. \*\*\* I don't think that the petitioner has met their burden. I think there were not specific enough details for the Court to find that those were, in fact, reasonable."

¶ 42 The majority disagrees with the trial court and concludes that "a full reading of Runyan's cross-examination demonstrates that Runyan believed the issues" discussed with K.M.H. "were directly related to the past abuse inflicted by respondent." *Supra* ¶ 24. After reviewing all of Runyan's testimony, I cannot agree with the majority that the trial court's finding was against the manifest weight of the evidence.

¶ 43 Runyan testified to the fact that she is a "licensed clinical professional counselor" in Illinois. She holds a master's degree in community counseling from Governor State University. After respondent objected to "any testimony regarding diagnosis and/or bases for counseling," the petitioner's attorney asked Runyan to "tell us the parameters of that, what are you allowed to do?" Her complete response notes, "I give clinical diagnoses that are from the DSF, DSM, which is a

diagnostic -- I don't know what it means but --." Runyan stated she does not have a doctorate and is not a psychologist. With the exception of this case, she has never testified in court. She repeated her testimony that "all of the diagnoses" she makes "are based upon the criteria set forth in the DSM." Again, this is so even though she does not know what DSM "means."

¶ 44 When asked to verify the charges associated with K.M.H.'s treatment, Runyan noted that she had "never seen this format before because it is something that the main office produces on their computer." Until actually reviewing the bill in court, Runyan would not specify at what rate she charges, noting her employer "use[s] a standard rate for the area."

¶ 45 On cross-examination, respondent asked whether the counseling session dealt exclusively with issues arising from respondent's abuse of K.M.H. The following exchange took place:

"Q. In the course of these sessions that you have gone through with K.M.H., can you tell us all you deal with in these sessions is just the allegations of the sexual abuse?

A. No, sometimes she will have symptoms so we talk about different symptoms that she's having and how she can deal with the symptoms.

Q. But the symptoms, do you ever deal with any matters at home?

A. If the symptom may be triggered by something that happened, correct.

Q. So you are saying that the symptoms can be triggered by something completely unrelated to the allegations in this case?

A. Yes."

¶ 46 The trial court allowed petitioner's counsel an opportunity to clarify Runyan's answers on redirect. However, petitioner's counsel asked no further questions of the witness. There is an obvious ambiguity in the answers that petitioner suggests that we must resolve in favor of finding that all the treatment related to the effects of the allegations of abuse. Neither the majority nor the petitioner question the fact that it was petitioner's burden to establish the reasonable cost of counseling services "suffered as a direct result of the abuse." 750 ILCS 60/214(b)(13) (West 2008). While petitioner clearly established that some or even most of the counseling was compensable under the Act, an unanswered ambiguity prevents me from agreeing that the entire counseling bill was compensable. I do agree that it is clear that some of the counseling was related to the abuse, and maybe even all of it was. However, petitioner did not give the trial court sufficient evidence to identify what, if any, counseling was unrelated to the abuse as suggested by the ambiguous testimony. Based upon the record before us, I cannot say the trial court's finding that petitioner failed to meet her burden is against the manifest weight of the record. \

¶ 47 Similarly, I cannot say the trial court abused its discretion in awarding petitioner attorney fees. The majority recites the correct standard of review we are to employ when analyzing an award of attorney fees: abuse of discretion. *Supra* ¶¶ 28, 29. The majority, citing to the United States Supreme Court, correctly notes that, while the amount of attorney fees awarded is left to the discretion of the trial court, discretion is not absolute. *Supra* ¶ 29 (citing *Hensley v. Eckerhart*, 461 U.S. 424 (1983)). The *Hensley* Court went on to discuss its thoughts that a request for fees should "not result in a second major litigation" and that the "fee applicant bears the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates." *Id.* at

437. The *Hensley* Court then stressed the trial "court's superior understanding of the litigation and the desirability of avoiding frequent appellate review of what essentially are factual matters." *Id.*

¶48 Our supreme court has adopted this discretionary standard, noting that "a trial court's decision to award or deny fees will be reversed only if the trial court abused its discretion." *In re Marriage of Schneider*, 214 Ill. 2d 152, 174 (2005). Our supreme court has further noted that a "clear abuse of discretion occurs when 'the trial court's ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court.'" *Blum v. Koster*, 235 Ill. 2d 21, 36 (2009).

¶49 The trial court found that petitioner's attorney "has not sufficiently establishe[d] the value of services rendered nor has requested appropriate fees consistent with reasonable charges for reasonable services and as such" denied the request for fees totaling \$4,784.80. The majority complains that the trial court's analysis was lacking for failure to "properly address the time and labor involved in this case." *Supra* ¶ 32. Citing to *Advocate Health & Hospitals Corp. v. Heber*, 355 Ill. App. 3d 1076 (2005), the majority suggests failure to specify each and every cut made to petitioner's fee bill renders the trial court's order, as a matter of law, an abuse of discretion. It is true that the *Advocate Health* court stated that "a reduction requires a clear and concise explanation." *Id.* at 1079. The *Advocate Health* court continued, however, that "the lack of an explanation for the reduction often is sufficient to constitute an abuse of discretion when *the reasons for an unexplained decision are not apparent from the record.*" (Emphasis added.) *Id.* I find the record clearly establishes the trial court's reasons for not awarding the full \$4,784.80 in fees requested. As such, I cannot say the trial court abused its discretion in awarding petitioner \$1750 in fees.

¶ 50 A review of petitioner's fee bill makes clear that not all charges are related to this order of

protection. For instance, on March 2, 2009, there is a fee for a "telephone conversations with client regarding House Bill 224 and possibility of testifying in Springfield on 3-4-09 with Jack McGuire." Moreover, the record reflects that petitioner's attorney informed the court and respondent on numerous occasions that no written retainer agreement existed between Christine Henry and her counsel. Specifically, counsel stated, "Judge, there is no retainer agreement" and "Yes, I am representing to the court affirmatively at this point" that there "is no retainer agreement."

¶ 51 On cross-examination, however, Christine Henry admitted to signing an agreement for services with her counsel. Thereafter, the court recessed. Later that day, petitioner produced a written agreement, which indicates the petitioner paid her counsel \$750 at the time they entered into the agreement. The agreement indicates that \$750 was intended to cover "up to and including first two court appearances; any work done after second court appearance shall be billed at + hourly rate" of \$200 for office time and \$250 for court time. The credibility of the witnesses and the import of the written retainer on determining what attorney fees are reasonable are undoubtedly questions of fact for the trial court to decide. The majority's holding and declaration that this "case was not a typical order of protection case" suggests that the appellate court is better situated than the trial court to determine what attorney fees are reasonable in this matter. I disagree.

¶ 52 I am aware of no authority, and neither the majority nor the parties cite to any, which holds that a trial court abuses its discretion when awarding attorney fees if it fails to recite line-by-line which fees are allowed and which fees are not allowed. The record indicates to me that the trial court could reasonably find the legal services rendered by petitioner's attorney worth \$1,750. There was a serious question about retainer agreements. Petitioner's attorney argued that the original retainer agreement was between petitioner and a former associate in the office of petitioner's

attorney. The document belies this agreement. It demonstrates on its face that the agreement was between petitioner and the law firm, not simply between petitioner and a lawyer in the firm. The trial court viewed the bills submitted with understandable skepticism given both petitioner's failure to timely produce the original retainer agreement which showed a lower hourly rate and the itemized bill's inclusion of unrelated items. The fact that I would have awarded a higher amount for attorney fees does not render the trial court's decision an abuse of discretion.