

**17-773 CULBERTSON V. BERRYHILL**

DECISION BELOW: 861 F.3d 1197

LOWER COURT CASE NUMBER: 16-14004

QUESTION PRESENTED:

"Fees for [the] representation of individuals claiming Social Security old-age, survivor, or disability benefits [at] the administrative and judicial review stages [are handled] discretely: [42 U.S.C.] § 406(a) governs fees for representation in administrative proceedings; § 406(b) controls fees for representation in court." *Gisbrecht v. Barnhart*, 535 U.S. 789, 793- 794 (2002). Section 406(b) specifies in particular that

[w]henever a court renders a judgment favorable to a claimant \* \* \* who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee *for such representation*, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment.

42 U.S.C. § 406(b)(1)(A) (emphasis added).

The question presented is:

Whether fees subject to § 406(b)'s 25-percent cap include, as the Sixth, Ninth, and Tenth Circuits hold, only fees for representation in court or, as the Fourth, Fifth, and Eleventh Circuits hold, also fees for representation before the agency.

AMY WEIL, ESQUIRE, OF ATLANTA, GEORGIA, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS AMICUS CURIAE, IN SUPPORT OF THE JUDGMENT BELOW.

CERT. GRANTED 5/21/2018