

9th Circuit Removes Judge Who Slashed Attorney Fees From BarBri Antitrust Class Action

Lawyers who won a \$9.5 million settlement in a conspiracy case involving bar exam review courses will get a second chance to seek \$2 million in attorneys' fees, the 9th Circuit has ruled, according to a report by **Courthouse News Service**.

Plaintiffs sued West Publishing, which offers BarBri prep courses, and Kaplan in 2008, claiming the two colluded to block competition in the market for bar review courses.

The opinion also noted that the appellate court has reversed the trial judge's denials and reductions of attorneys' fees three times in a related case. Because of that pattern, the panel ordered that the case be assigned to a different judge on remand.

"In light of the history of this case and related litigation, it is clear to us that the district judge would have 'substantial difficulty in putting out of his ... mind' his previously expressed erroneous findings and conclusions and that 'reassignment is advisable to preserve the appearance of justice,'" according to the opinion.

Read the article.