

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

GASCONADE COUNTY COUNSELING SERVICES, INC.,)	No. ED95457
)	
)	
Respondent,)	Appeal from the Circuit Court of Osage County
)	
v.)	Cause No. 08GA-CC00020-01
)	Honorable Cynthia M. Eckelkamp
MISSOURI DEPARMENT OF MENTAL HEALTH,)	
)	
)	
Appellant.)	Filed: December 20, 2011

Appellant Missouri Department of Mental Health (“Department”) appeals the judgment of the circuit court awarding attorney fees in excess of the statutory rate provided in Mo. Rev. Stat. § 536.087.

AFFIRMED.

DIVISION TWO HOLDS: The circuit court did not err in awarding attorney fees in excess of the statutory rate. The circuit court found that the specific factor of “limited availability of qualified attorneys” for the proceedings existed. This finding is supported based on Gasconade County Counseling Services (“Gasconade”) attempts to retain an attorney, the specialized nature of the case, and the fact that no evidence showed that an attorney would take the case at the statutory rate. Thus, the award of attorney fees was justified.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Daryl R. Hylton

Attorneys for Respondent: Paul W. Lore, Lawrence J. Altman

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.