

# Supreme Court of Florida

## ORIGINAL

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No. 83,383

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MARY BARNER, etc., et al.,

Petitioners,

vs.

SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.,

Respondent.

CORRECTED OPINION

[March 16, 1995]

KOGAN, J.

We have for review Searcy, Denney, Scarola, Barnhart & Shipley, P.A. v. Barner, 632 So. 2d 1071 (Fla. 4th DCA 1994), which expressly and directly conflicts with Boyette v. Martha White Foods, Inc., 528 So. 2d 539 (Fla. 1st DCA), review denied, 538 So. 2d 1255 (Fla. 1988), and various other district court decisions, on the issue of whether the Rowe<sup>1</sup> lodestar method for

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<sup>1</sup> Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985).

determining reasonable attorney fees applies to a fee dispute between a discharged attorney and former client. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

We approve the district court's decision based on our decision in Searcy, Denney, Scarola, Barnhart & Shipley, P.A. v. Poletz, No. 83,375 (Fla. Mar. 16, 1995), wherein we held, consistent with the decision under review, that Rowe does not apply in this context.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, HARDING and WELLS, JJ., concur.  
ANSTEAD, J., recused.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of  
Appeal - Direct Conflict of Decisions  
Fourth District - Case No. 93-0303

(Indian River County)

James T. Walker of Brennan, Hayskar, Jefferson, Gorman, Walker &  
Schwerer, P.A., Ft. Pierce, Florida,

for Petitioner

Searcy, Denney, Scarola, Barnhart & Shipley, P.A., West Palm  
Beach, Florida; and Joel D. Eaton of Podhurst, Orseck,  
Josefsberg, Eaton, Meadow, Olin & Perwin, P.A., Miami, Florida,

for Respondent