

# Local attorney argues case before nation's highest court

By Andrea J. Cook  
Journal staff

Arguing a case before the nation's highest court was the "Super Bowl, World Series and Olympics all put together" for attorney James Leach of Rapid City.

"It's a wonderful feeling for me to do what I love in a case I truly believe in and to try to make the world a better place," Leach said.

The attorney appeared before the Supreme Court of the United States on Monday to support a U.S. Appeals Court ruling in the case of *Astrue v. Ratliff*, on behalf of his client, Hot Springs attorney Catherine Ratliff.

Ratliff successfully sued the Social Security Administration in 2006 and looked to recoup her attorney fees from the government because her client could not afford to pay. Under the Equal Access to Justice Act, Ratliff was entitled to attorney's fees and costs from the government because she won the case, and the court found that the government entities' position was unreasonable, Leach said.

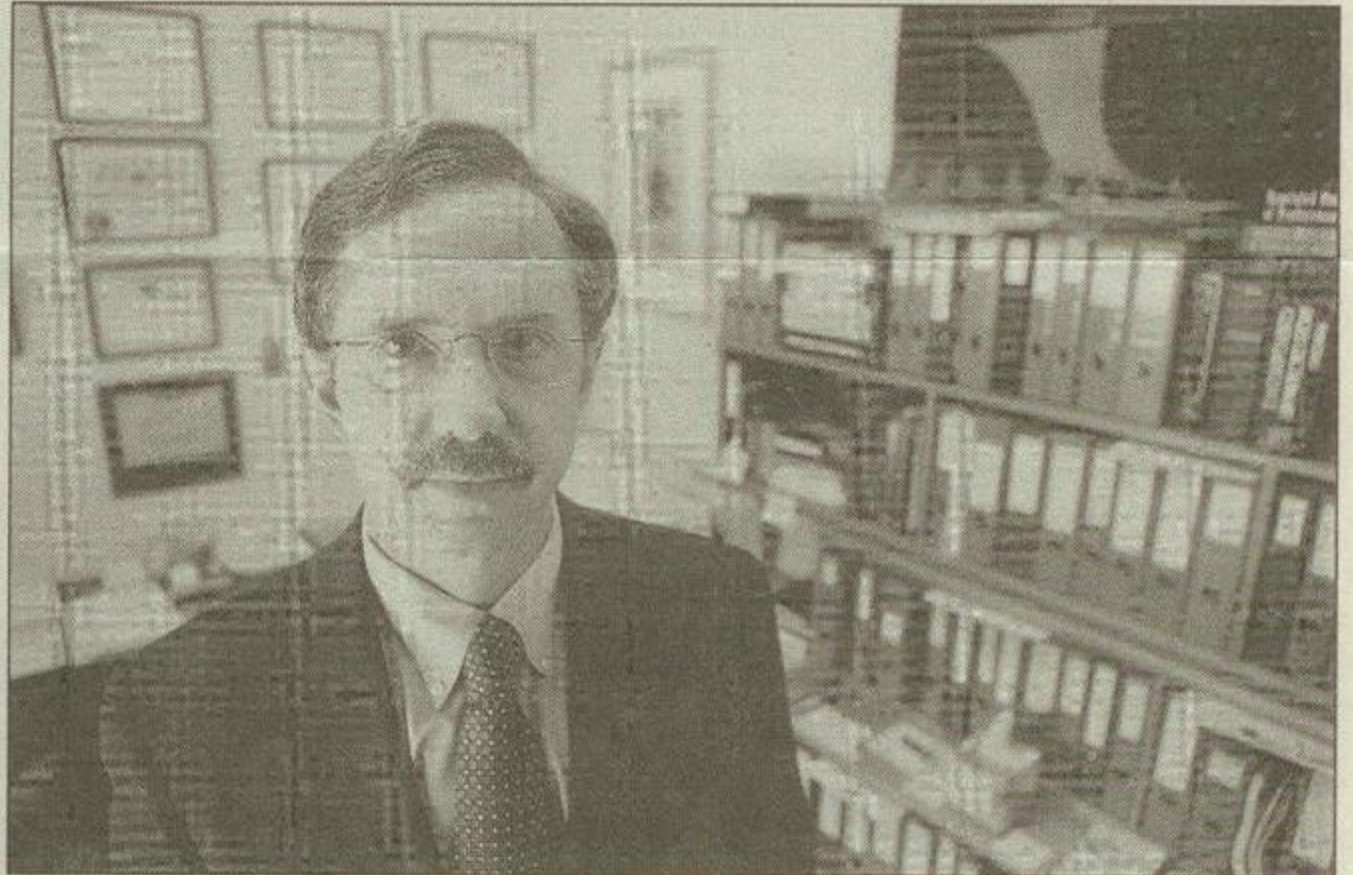
However, the government withheld approximately \$2,000 in attorney's fees because the client owed a federal debt.

Leach appealed the government's action to the 8th Circuit Court of Appeals which found in Ratliff's favor.

The Department of Justice appealed the appellate court's decision on behalf of Social Security Administration commissioner Michael Astrue.

Leach learned in September that the Supreme Court would hear the case. Several lawyers from across the country assisted him in preparing the case, a process which consumed most of his time from October through early January.

The Supreme Court allocated 30 minutes to hear the case. Leach spent weeks preparing for his oral argument



Toby Brusseau/Journal staff

Attorney Jim Leach of Rapid City recently argued a case in front of the U. S. Supreme Court. Leach argued against the government being able to take a portion of attorney fees if the client has no money.

and traveled to Washington, D.C., 2 1/2 weeks early to practice and work without distractions. An attorney wishing to practice before the Supreme Court must apply to do so. The attorney must have been admitted to a state bar for at least three years, and the application must be sponsored by two attorneys already admitted to the Supreme Court bar. A fee and a written oath are also required.

"It was thrilling, very exciting and very challenging," Leach recalled. "The oral argument tends to get down to brass tacks quickly."

The back and forth exchanges between the justices and attorneys was a "big adrenaline rush," Leach said.

Watching the action was also thrilling for Ratliff, who pointed out that few attorneys have the opportunity to appear or even attend a session of the Supreme Court.

It was a packed house, and Leach was "light on his feet and in his mind," Ratliff said, explaining that Leach carried his "lawyer shoes" to the court and wore his tennis shoes because of a foot injury.

As he prepared to enter the courtroom, a guard advised him that the justices could not see his feet, so he left his comfortable shoes on.

Ratliff said Leach was poised and articulate. "I was proud of his performance."

"I was well-prepared and truly believed we are right," said Leach, who has practiced law for 34 years. "If attorneys can't get paid even when they win, they can't afford to help poor people."

The Supreme Court ruling could be made anytime between April and June.

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