U.S. Supreme Court

Blanchard v. Bergeron, 489 U.S. 87 (1989)

Blanchard v. Bergeron

No. 87-1485

Argued November 28, 1988

Decided February 21, 1989

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CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Syllabus

After a jury awarded petitioner $10,000 in damages on his claim that respondent sheriff's deputy had beaten him and thereby deprived him of his civil rights under 42 U.S.C. § 1983, the Federal District Court awarded him $7,500 in attorney's fees under 42 U.S.C. § 1988, which provides that the court, "in its discretion, may allow . . . a reasonable attorney's fee" to a prevailing party in certain federal civil rights actions, including those under § 1983. The Court of Appeals reduced the fee award to $4,000, ruling that petitioner's 40% contingent fee arrangement with his lawyer served as a cap on the amount of fees that could be awarded. The court also found that hours billed for the time of law clerks and paralegals were not compensable, since they would be included within the contingency fee.

Held:

1. An attorney's fee allowed under § 1988 is not limited to the amount provided in the plaintiff's contingent fee arrangement with his counsel. To hold otherwise would be inconsistent with the statute, which broadly requires all defendants to pay a reasonable fee to all prevailing plaintiffs if ordered to do so by the court acting in its sound judgment and in light of all the circumstances of the case. This Court's decisions have required that the initial estimate of a reasonable court-awarded fee be calculated by multiplying prevailing billing rates by the hours reasonably expended on successful claims, which "lodestar" figure may then be adjusted by other factors. The Court has never suggested that any one such factor should substitute for the lodestar approach. In fact, the lodestar figure is entitled to a strong

presumption of reasonableness, and prevents a "windfall" for attorneys in § 1983 actions by guaranteeing that they receive only the reasonable worth of the services rendered. Thus, as § 1988's legislative history confirms, a private fee arrangement is but one of the many factors to be considered and cannot, standing alone, impose an automatic limitation on the exercise of the trial judge's discretion, which is central to the operation of the statute. Moreover, such a limitation might place an undesirable emphasis on the importance of the recovery of damages, whereas § 1988 makes no distinction between damages actions and equitable suits, but was intended to encourage meritorious claims, irrespective of their nature, because of the benefits of

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civil rights litigation for the named plaintiff and for society at large. Fee awards in § 1983 damages cases should not be modeled upon the contingent fee arrangements used in personal injury litigation, which benefits only the individual plaintiff. Pp. 489 U. S. 91-96.

2. Since the Court of Appeals erred in ruling that the fee award was controlled by the contingency arrangement, it must consider the determination of the total fee award on remand. P. 489 U. S. 97.

831 F.2d 563, reversed and remanded.

WHITE, J., delivered the opinion of the Court, in which REHNQUIST, C.J., and BRENNAN, MARSHALL, BLACKMUN, STEVENS, O'CONNOR, and KENNEDY, JJ., joined. SCALIA, J., filed an opinion concurring in part and concurring in the judgment, post, p. 489 U. S. 97.

JUSTICE WHITE delivered the opinion of the Court.

The issue before us is whether an attorney's fee allowed under 42 U.S.C. § 1988 is limited to the amount provided in a contingent fee arrangement entered into by plaintiff and his counsel.

I

Petitioner Arthur J. Blanchard brought suit in the United States District Court for the Western District of Louisiana alleging violations of his civil rights under 42 U.S.C. § 1983. Blanchard asserted that he was beaten by Sheriff's Deputy James Bergeron while he was in Oudrey's Odyssey Lounge. Blanchard brought his claim against the deputy, the sheriff and the St. Martin Parish Sheriff's Department. He also joined with his civil rights claim a state law negligence claim against the above defendants and against the owners and a

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manager of the lounge and the lounge itself. The case was tried, and a jury awarded Blanchard compensatory damages in the amount of $5,000 and punitive damages in the amount of $5,000 on his § 1983 claim. Under the provisions of 42 U.S.C. § 1988, which permit the award of attorney's fees to a prevailing party in certain federal civil rights actions, [Footnote 1] Blanchard sought attorney's fees and costs totaling more than $40,000. The District Court, after reviewing the billing and cost records furnished by counsel, awarded $7,500 in attorney's fees and $886.92 for costs and expenses. [Footnote 2]

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Petitioner appealed this award to the Court of Appeals for the Fifth Circuit, seeking to increase the award. The Court of Appeals, however, reduced the award because petitioner had entered into a contingent fee arrangement with his lawyer, [Footnote 3] under which the attorney was to receive 40% of any damages awarded should petitioner prevail in his suit. While recognizing that other Circuits had different views, the court held that it was bound by its prior decision in Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 718 (CA5 1974), to rule that the contingency fee agreement "serves as a cap on the amount of attorney's fee to be awarded." 831 F.2d 563, 564 (1987). The court further found that hours billed for the time of law clerks and paralegals were not compensable, since they would be included within the contingency fee. Ibid. Accordingly, the court limited the fee award to 40% of the $10,000 damages awarded -- $4,000.

Because other Courts of Appeals have concluded that a § 1988 fee award should not be limited by a contingent fee agreement between the attorney and his client, [Footnote 4] we granted certiorari to resolve the conflict, 487 U.S. 1217 (1988). We now reverse.

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II

Section 1988 provides that the court, "in its discretion, may allow . . . a reasonable attorney's fee. . . ." The section does not provide a specific definition of "reasonable" fee, and the question is whether the award must be limited to the amount provided in a contingent fee agreement. The legislative history of the Act is instructive insofar as it tells us:

"In computing the fee, counsel for prevailing parties should be paid, as is traditional with attorneys compensated by a fee-paying client, 'for all time reasonably expended on a matter.'"

S.Rep. No. 94-1011, p. 6 (1976) (citing Davis v. County of Los Angeles, 8 EPD