

U.S. Supreme Court
City of Riverside v. Rivera, 477 U.S. 561 (1986)

City of Riverside v. Rivera

No. 85-224

Argued March 31, 1986

Decided June 27, 1986

477 U.S. 561

*CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT*

Syllabus

Respondents, eight Chicano individuals, attended a party at the home of two of the respondents. A large number of officers of petitioner city's police force, acting without a warrant, broke up the party by using tear gas and unnecessary physical force, and many of the guests, including four of the respondents, were arrested. Criminal charges were ultimately dismissed. Respondents filed suit in Federal District Court against the city, its Chief of Police, and 30 individual police officers under various federal Civil Rights Acts, alleging violations of respondents' First, Fourth, and Fourteenth Amendment rights, as well as numerous state law claims. Ultimately the jury returned 37 individual verdicts in favor of respondents and against the city and five individual officers, finding 11 violations of 42 U.S.C. § 1983, 4 instances of false arrest and imprisonment, and 22 instances of negligence. Respondents were awarded \$33,350 in compensatory and punitive damages. They also sought attorney's fees under the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988, in the amount of \$ 245,456.25, based on 1,946.75 hours expended by their two attorneys at \$125 per hour and 84.5 hours expended by law clerks at \$25 per hour. Finding both the hours and rates reasonable, the District Court awarded respondents the requested amount, and the Court of Appeals affirmed. This Court remanded for reconsideration in light of the intervening decision in *Hensley v. Eckerhart*, 461 U. S. 424, and the District Court, after additional hearings and review of the matter, made extensive findings of fact and conclusions of law, and again concluded that respondents were entitled to an award of the requested amount of attorney's fees. The Court of Appeals again affirmed, ruling, inter alia, that the fee award was not excessive merely because it exceeded the amount of damages awarded by the jury.

Held: The judgment is affirmed.

763 F.2d 1580, affirmed.

JUSTICE BRENNAN, joined by JUSTICE MARSHALL, JUSTICE BLACKMUN, and JUSTICE STEVENS, concluded that:

1. Under *Hensley v. Eckerhart*, *supra*, which announced certain guidelines for calculating a "reasonable" attorney's fee under § 1988, the "lodestar" figure, obtained by multiplying the number of hours reasonably

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expended on the litigation by a reasonable hourly rate, is presumed to be the reasonable fee contemplated by § 1988, and an important factor, among others, for consideration in adjusting the lodestar figure upward or downward is the "results obtained." Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee, and the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit. The record here establishes that the District Court correctly applied the factors announced in *Hensley*, and did not abuse its discretion in awarding attorney's fees for all time reasonably spent litigating the case. Pp. 477 U. S. 567-573.

2. There is no merit to the argument that *Hensley's* lodestar approach is inappropriate in civil rights cases where a plaintiff recovers only monetary damages, and that, in such cases, fees in excess of the amount of damages recovered are necessarily unreasonable. Although the amount of damages recovered is relevant to the amount of attorney's fees to be awarded under § 1988, it is only one of many factors that a court should consider in calculating an award of attorney's fees. Pp. 477 U. S. 573-580.

(a) A civil rights action for damages does not constitute merely a private tort suit benefiting only the individual plaintiffs whose rights were violated. Unlike most private tort litigants, a civil rights plaintiff seeks to vindicate important civil and constitutional rights that cannot be valued solely in monetary terms. Because damages awards do not reflect fully the public benefit advanced by civil rights litigation, Congress did not intend for fees in civil rights cases, unlike most private law cases, to depend on obtaining substantial monetary relief, but instead recognized that reasonable attorney's fees under § 1988 are not conditioned upon, and need not be proportionate to, an award of money damages. Pp. 477 U. S. 574-576.

(b) A rule limiting attorney's fees in civil rights cases to a proportion of the damages awarded would seriously undermine Congress' purpose in enacting § 1988. Congress enacted § 1988 specifically because it found that the private market for legal services failed to provide many victims of civil rights violations with effective access to the judicial process. A rule of proportionality would make it difficult, if not impossible, for individuals with meritorious civil rights claims but relatively small potential damages to obtain redress from the courts, and would be totally inconsistent with Congress' purpose of ensuring sufficiently vigorous enforcement of civil rights. In order to ensure that lawyers would be willing to represent persons with legitimate civil rights grievances, Congress determined that it would be necessary to compensate lawyers for all time reasonably expended on a case. Pp. 477 U. S. 576-580.

3. Although Congress did not intend that statutory fee awards produce "windfalls" to attorneys, neither did it intend that attorney's fees be proportionate to the amount of damages a civil rights plaintiff

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might recover. Rather, there already exists a wide range of safeguards that are designed to protect civil rights defendants against the possibility of excessive fee awards, and that adequately protect against the possibility that § 1988 might produce a "windfall" to civil rights attorneys. Pp. 477 U. S. 580-581.

JUSTICE POWELL concluded that the District Court's detailed findings concerning the fee award, which were accepted by the Court of Appeals, were not "clearly erroneous" for purposes of Federal Rule of Civil Procedure 52(a), and that the District Court did not abuse its discretion in making the fee award. JUSTICE POWELL also concluded that neither the decisions of this Court nor the legislative history of § 1988 support a rule of proportionality between fees awarded and damages recovered in a civil rights case, and rejected the argument that the prevailing contingent fee rate charged by counsel in personal injury cases should be considered the reasonable fee for purposes of § 1988. Pp. 477 U. S. 581-586.

BRENNAN, J., announced the judgment of the Court and delivered an opinion, in which MARSHALL, BLACKMUN, and STEVENS, JJ., joined. POWELL, J., filed an opinion concurring in the judgment, post, p. 477 U. S. 581. BURGER, C.J., filed a dissenting opinion, post, p. 477 U. S. 587. REHNQUIST, J., filed a dissenting opinion, in which BURGER, C.J., and WHITE and O'CONNOR, JJ., joined, post, p. 477 U. S. 588.

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JUSTICE BRENNAN announced the judgment of the Court and delivered an opinion in which JUSTICE MARSHALL, JUSTICE BLACKMUN, and JUSTICE STEVENS join.

The issue presented in this case is whether an award of attorney's fees under 42 U.S.C. § 1988 is per se "unreasonable" within the meaning of the statute if it exceeds the amount of damages recovered by the plaintiff in the underlying civil rights action.

I

Respondents, eight Chicano individuals, attended a party on the evening of August 1, 1975, at the Riverside, California, home of respondents Santos and Jennie Rivera. A large number of unidentified police officers, acting without a warrant, broke up the party using tear gas and, as found by the District Court, "unnecessary physical force." Many of the guests, including four of the respondents, were arrested. The District Court later found that "[t]he party was not creating a disturbance in the community at the time of the break-in." App. 188. Criminal charges against the arrestees were ultimately dismissed for lack of probable cause.

On June 4, 1976, respondents sued the city of Riverside, its Chief of Police, and 30 individual police officers under 42 U.S.C. §§ 1981, 1983, 1985(3), and 1986 for allegedly violating their First, Fourth, and Fourteenth Amendment rights. The

complaint, which also alleged numerous state law claims, sought damages and declaratory and injunctive relief. On August 5, 1977, 23 of the individual police officers moved for summary judgment; the District Court granted summary judgment in favor of 17 of these officers. The case against the remaining defendants proceeded to trial in September, 1980. The jury returned a total of 37 individual verdicts in favor of the respondents and against the city and five individual officers, finding 11 violations of § 1983, 4 instances of false arrest and imprisonment, and 22 instances of negligence. Respondents were awarded \$33,350 in compensatory and punitive

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damages: \$13,300 for their federal claims, and \$20,050 for their state law claims. [Footnote 1]

Respondents also sought attorney's fees and costs under § 1988. They requested compensation for 1,946.75 hours expended by their two attorneys at a rate of \$125 per hour, and for 84.5 hours expended by law clerks at a rate of \$25 per hour, a total of \$245,456.25. The District Court found both the hours and rates reasonable, and awarded respondents \$245,456.25 in attorney's fees. The court rejected respondents' request for certain additional expenses, and for a multiplier sought by respondents to reflect the contingent nature of their success and the high quality of their attorneys' efforts.

Petitioners appealed only the attorney's fees award, which the Court of Appeals for the Ninth Circuit affirmed. *Rivera v. City of Riverside*, 679 F.2d 795 (1982). Petitioners sought a writ of certiorari from this Court. We granted the writ, vacated the Court of Appeals' judgment, and remanded the case for reconsideration in light of *Hensley v. Eckerhart*, 461 U. S. 424 (1983). 461 U.S. 952 (1983). On remand, the District Court held two additional hearings, reviewed additional briefing, and reexamined the record as a whole. The court made extensive findings of fact and conclusions of law, and again concluded that respondents were entitled to an

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award of \$245,456.25 in attorney's fees, based on the same total number of hours expended on the case and the same hourly rates. [Footnote 2] The court again denied respondents' request for certain expenses and for a multiplier.

Petitioners again appealed the fee award. And again, the Court of Appeals affirmed, finding that "the district court correctly reconsidered the case in light of *Hensley*. . . ." 763 F.2d 1580, 1582 (1985). The Court of Appeals rejected three arguments raised by petitioners. First, the court rejected petitioners' contention that respondents' counsel should not have been compensated for time spent litigating claims other than those upon which respondents ultimately prevailed. Emphasizing that the District Court had determined that respondents' attorneys had "spent no time on claims unrelated to the successful claims," *ibid.*, the Court of Appeals concluded that

"[t]he record supports the district court's findings that all of the plaintiffs' claims involve a 'common core of facts,' and that the claims involve related legal theories."

Ibid. The court also observed that, consistent with *Hensley*, the District Court had "considered the degree of success [achieved by respondents' attorneys] and found a reasonable relationship between the extent of that success and the amount of the fee award."

763 F.2d at 1582. Second, the Court of Appeals rejected the argument that the fee award was excessive because it exceeded the amount of damages awarded by the jury. Examining the legislative history of § 1988, the court found no support for the proposition that an award of attorney's fees may not exceed the amount of damages recovered by a prevailing plaintiff. Finally, the

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court found that the District Court's "extensive findings of fact and conclusions of law" belied petitioners' claim that the District Court had not reviewed the record to determine whether the fee award was justified. The Court of Appeals concluded:

"In short, the district court applied the necessary criteria to justify the attorney's fees awarded, and explained the reasons for the award clearly and concisely. As required by *Hensley*, the district court adequately discussed the extent of the plaintiffs' success and its relationship to the amount of the attorney's fees awarded. The award is well within the discretion of the district court."

Id. at 1583 (citation omitted).

Petitioners again sought a writ of certiorari from this Court, alleging that the District Court's fee award was not "reasonable" within the meaning of § 1988, because it was disproportionate to the amount of damages recovered by respondents. We granted the writ, 474 U.S. 917 (1985), and now affirm the Court of Appeals.

II

A

In *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U. S. 240 (1975), the Court reaffirmed the "American Rule" that, at least absent express statutory authorization to the contrary, each party to a lawsuit ordinarily shall bear its own attorney's fees. In response to *Alyeska*, Congress enacted the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988, which authorized the district courts to award reasonable attorney's fees to prevailing parties in specified civil rights litigation. While the statute itself does not explain what constitutes a reasonable fee, both the House and Senate Reports accompanying § 1988 expressly endorse the analysis set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (CA5 1974). See S.Rep. No. 94-1011, p. 6 (1976) (hereafter Senate Report); H.R.

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Rep. No. 94-1558, p. 8 (1976) (hereafter House Report). Johnson identifies 12 factors to be considered in calculating a reasonable attorney's fee. [Footnote 3]

Hensley v. Eckerhart, supra, announced certain guidelines for calculating a reasonable attorney's fee under § 1988. Hensley stated that

"[t]he most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate."

Id. at 461 U. S. 433. This figure, commonly referred to as the "lodestar," is presumed to be the reasonable fee contemplated by § 1988. The opinion cautioned that "[t]he district court . . . should exclude from this initial fee calculation hours that were not reasonably expended" on the litigation. Id. at 461 U. S. 434 (quoting Senate Report at 6).

Hensley then discussed other considerations that might lead the district court to adjust the lodestar figure upward or downward, including the "important factor of the results obtained." 461 U.S. at 461 U. S. 434. The opinion noted that where a prevailing plaintiff has succeeded on only some of his claims, an award of fees for time expended on unsuccessful claims may not be appropriate. In these situations, the Court held that the judge should consider whether or not the plaintiff's unsuccessful claims were related to the claims on which he succeeded, and whether the plaintiff achieved a level of success that makes it appropriate to award attorney's fees for hours reasonably expended on unsuccessful claims:

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"In [some] cases, the plaintiff's claims for relief will involve a common core of facts or will be based on related legal theories. Much of counsel's time will be devoted generally to the litigation as a whole, making it difficult to divide the hours expended on a claim-by-claim basis. Such a lawsuit cannot be viewed as a series of discrete claims. Instead the district court should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation."

Id. at 461 U. S. 435. Accordingly, Hensley emphasized that "[w]here a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee," and that "the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit." Ibid.

B

Petitioners argue that the District Court failed properly to follow Hensley in calculating respondents' fee award. We disagree. The District Court carefully considered the results obtained by respondents pursuant to the instructions set forth in Hensley, and concluded that respondents were entitled to recover attorney's fees for all hours expended on the litigation. First, the court found that "[t]he amount of time expended by counsel in conducting this litigation was reasonable and reflected sound legal judgment under the circumstances."

App. 190. [Footnote 4] The court also determined that

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counsel's excellent performances in this case entitled them to be compensated at prevailing market rates, even though they were relatively young when this litigation began. See Johnson, 488 F.2d at 718-719 ("If a young attorney demonstrates the skill and ability, he should not be penalized for only recently being admitted to the bar").

The District Court then concluded that it was inappropriate to adjust respondents' fee award downward to account for the fact that respondents had prevailed only on some of their claims, and against only some of the defendants. The court first determined that "it was never actually clear what officer did what until we had gotten through with the whole trial," App. 236, so that,

"[u]nder the circumstances of this case, it was reasonable for plaintiffs initially to name thirty-one individual defendants . . . as well as the City of Riverside as defendants in this action."

Id. at 188. The court remarked:

"I think every one of the claims that were made were related, and if you look at the common core of facts that we had here, that you had total success. . . . There was a problem about who was responsible for what, and that problem was there all the way through to the time that we concluded the case. Some of the officers couldn't agree about who did what, and it is not at all surprising that it would, in my opinion, have been wrong for you

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not to join all those officers, since you yourself did not know precisely who were the officers that were responsible."

Id. at 235-236.

The court then found that the lawsuit could not "be viewed as a series of discrete claims," Hensley, 461 U.S. at 461 U. S. 435:

"All claims made by plaintiffs were based on a common core of facts. The claims on which plaintiffs did not prevail were closely related to the claims on which they did prevail. The time devoted to claims on which plaintiffs did not prevail cannot reasonably be separated from time devoted to claims on which plaintiffs did prevail."

App. 189.

The District Court also considered the amount of damages recovered, and determined that the size of the damages award did not imply that respondents' success was limited:

"[T]he size of the jury award resulted from (a) the general reluctance of jurors to make large awards against police officers, and (b) the dignified restraint which the plaintiffs exercised in describing their injuries to the jury. For example, although some of the actions of the police would clearly have been insulting and humiliating

to even the most insensitive person and were, in the opinion of the Court, intentionally so, plaintiffs did not attempt to play up this aspect of the case."

Id. at 188-189. [Footnote 5] The court paid particular attention to the fact that the case "presented complex and interrelated issues of fact and law,"

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id. at 187, and that "[a] fee award in this civil rights action will . . . advance the public interest," id. at 191:

"Counsel for plaintiffs . . . served the public interest by vindicating important constitutional rights. Defendants had engaged in lawless, unconstitutional conduct, and the litigation of plaintiffs' case was necessary to remedy defendants' misconduct. Indeed, the Court was shocked at some of the acts of the police officers in this case, and was convinced from the testimony that these acts were motivated by a general hostility to the Chicano community in the area where the incident occurred. The amount of time expended by plaintiffs' counsel in conducting this litigation was clearly reasonable and necessary to serve the public interest as well as the interests of plaintiffs in the vindication of their constitutional rights."

Id. at 190. Finally, the District Court "focus[ed] on the significance of the overall relief obtained by [respondents] in relation to the hours reasonably expended on the litigation." Hensley, supra, at 461 U. S. 435. The court concluded that respondents had "achieved a level of success in this case that makes the total number of hours expended by counsel a proper basis for making the fee award," App.192:

"Counsel for plaintiffs achieved excellent results for their clients, and their accomplishment in this case was outstanding. The amount of time expended by counsel in conducting this litigation was reasonable, and reflected sound legal judgment under the circumstances."

Id. at 190.

Based on our review of the record, we agree with the Court of Appeals that the District Court's findings were not clearly erroneous. We conclude that the District Court correctly applied the factors announced in Hensley in calculating respondents' fee award, and that the court did not abuse its

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discretion in awarding attorney's fees for all time reasonably spent litigating the case. [Footnote 6]

III

Petitioners, joined by the United States as amicus curiae, maintain that Hensley's lodestar approach is inappropriate in civil rights cases where a plaintiff recovers only monetary damages. In these cases, so the argument goes, use of the lodestar may result in fees that exceed the amount of damages recovered, and that are therefore unreasonable. Liking such cases to private tort actions,

petitioners and the United States submit that attorney's fees in such cases should be proportionate to the amount of damages a plaintiff recovers. Specifically, they suggest that fee awards in damages cases should be modeled upon the contingent fee arrangements commonly used in personal injury litigation. In this case, assuming a 33% contingency rate, this would entitle

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respondents to recover approximately \$11,000 in attorney's fees.

The amount of damages a plaintiff recovers is certainly relevant to the amount of attorney's fees to be awarded under § 1988. See *Johnson*, 488 F.2d at 718. It is, however, only one of many factors that a court should consider in calculating an award of attorney's fees. We reject the proposition that fee awards under § 1988 should necessarily be proportionate to the amount of damages a civil rights plaintiff actually recovers.

A

As an initial matter, we reject the notion that a civil rights action for damages constitutes nothing more than a private tort suit benefiting only the individual plaintiffs whose rights were violated. Unlike most private tort litigants, a civil rights plaintiff seeks to vindicate important civil and constitutional rights that cannot be valued solely in monetary terms. See *Carey v. Phipps*, 435 U. S. 247, 435 U. S. 266 (1978). And Congress has determined that

"the public as a whole has an interest in the vindication of the rights conferred by the statutes enumerated in § 1988, over and above the value of a civil rights remedy to a particular plaintiff. . . ."

Hensley, 461 U.S. at 461 U. S. 444, n. 4 (BRENNAN, J., concurring in part and dissenting in part). Regardless of the form of relief he actually obtains, a successful civil rights plaintiff often secures important social benefits that are not reflected in nominal or relatively small damages awards. In this case, for example, the District Court found that many of petitioners' unlawful acts were "motivated by a general hostility to the Chicano community," App. 190, and that this litigation therefore served the public interest:

"The institutional behavior involved here . . . had to be stopped, and . . . nothing short of having a lawsuit like this would have stopped it. . . . [T]he improper motivation which appeared as a result of all of this seemed to

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me to have pervaded a very broad segment of police officers in the department."

Id. at 237. [Footnote 7] In addition, the damages a plaintiff recovers contributes significantly to the deterrence of civil rights violations in the future. See *McCann v. Coughlin*, 698 F.2d 112, 129 (CA2 1983). This deterrent effect is particularly evident in the area of individual police misconduct, where injunctive relief generally is unavailable.

Congress expressly recognized that a plaintiff who obtains relief in a civil rights lawsuit

"does so not for himself alone, but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest importance."

House Report at 2 (quoting *Newman v. Piggie Park Enterprises, Inc.*, 390 U. S. 400, 390 U. S. 402 (1968)).

"If the citizen does not have the resources, his day in court is denied him; the congressional policy which he seeks to assert and vindicate goes unvindicated; and the entire Nation, not just the individual citizen, suffers."

122 Cong.Rec. 33313 (1976) (remarks of Sen. Tunney).

Because damages awards do not reflect fully the public benefit advanced by civil rights litigation, Congress did not intend for fees in civil rights cases, unlike most private law cases, to depend on obtaining substantial monetary relief. Rather, Congress made clear that it

"intended that the amount of fees awarded under [§ 1988] be governed by the same standards which prevail in other types of equally complex Federal litigation, such as antitrust cases, and not be reduced because the rights involved may be nonpecuniary in nature."

Senate Report at 6 (emphasis added).

"[C]ounsel 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.'"

Ibid. (quoting *Van Davis*

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v. County of Los Angeles, 8 EPD