

Appellate Court Rules in Favor of Attorney's Fees

Affirms Civil Rights Plaintiffs' Access to the Courts

New York, October 1, 2003/U.S. Newswire/ -- Yesterday, the United States Court of Appeals for the Second Circuit (the federal appellate court for New York, Connecticut, and Vermont) held that the plaintiffs' attorneys in Roberson v. Giuliani can recover attorney's fees for the work they performed litigating the case. This landmark case reestablished the ability of plaintiffs who settle in their civil rights cases to obtain attorneys fees, and was the Second Circuit's most significant interpretation of the Supreme Court's Buckhannon decision regarding attorneys' fees in civil rights cases.

"This decision is a great victory for those whose civil rights have been violated. It will increase their ability to secure attorneys to remedy these violations," said Randal S. Jeffrey, Assistant Director of General Legal Services Unit at the New York Legal Assistance Group (NYLAG), who argued the case for plaintiffs. "Without this decision, attorneys obtaining favorable settlements in civil rights cases would be unable to collect attorneys fees in any out of court settlements."

In 1976, Congress enacted Section 1988 of the 42 United States Code (U.S.C.) to ensure that low-income people whose federal civil rights had been violated would have access to legal representation. Section 1988 accomplishes this goal by authorizing courts to award fees to prevailing attorneys in civil rights litigation on behalf of the poor. The Supreme Court's May 29, 2001 Buckhannon decision more recently interpreted the statute, limiting the ability of civil rights plaintiffs to collect legal fees.

In Mr. Jeffrey's case, NYLAG brought suit in 1999 on behalf of four plaintiffs whose public assistance, food stamps and Medicaid benefits had been illegally denied and discontinued based on New York City's Eligibility Verification Review (EVR) offices. In 2001, the case was settled in favor of the plaintiffs, and the Court (the Southern District of New York) retained jurisdiction over the settlement for enforcement purposes. After plaintiffs and the City settled the case, the district court denied plaintiffs' motion for attorney's fee based on the Supreme Court's decision in Buckhannon.

On appeal, the Second Circuit, rejecting the lower court's interpretation of Buckhannon, agreed with plaintiffs that Buckhannon did not prevent them from recovering fees for their settlement. Instead, the court upheld the federal policy of encouraging attorneys to take on meritorious civil rights cases, including welfare rights cases, by requiring defendants to pay successful plaintiffs attorneys fees. "This decision is applicable to more than 100 federal laws that authorize courts to award fees to prevailing parties," said Mr. Jeffrey.

Recognizing the significance of the case, eight New York State legal service providers (Brennan Center for Justice, Sanctuary for Families, the Greater Upstate Law Project, the Northern Manhattan Improvement Corporation, the Partnership for the Homeless, the Public Interest Law Office of Rochester, the Urban Justice Center, and the Welfare Law Center) submitted an amicus brief in favor of plaintiffs' position.

About NYLAG

Founded in 1990, the New York Legal Assistance Group (NYLAG) is a not-for-profit law office providing free civil legal services to low income New Yorkers. A full service agency, NYLAG offers comprehensive assistance. NYLAG provides direct legal services, advocacy through impact litigation, consultation, and numerous volunteer and pro bono opportunities. Last year, NYLAG handled 19,993 cases and benefited additional thousands through successful impact litigation and community legal education. For more information on NYLAG, go to www.nylag.org.

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