

US Supreme Court

Case: *Newman et al. v. Piggie Park Enterprises, Inc., et al.*, 390 U.S. 400 (1968)

Date: March 18, 1968

Votes: 8-0 (Marshall out; Warren Court)

Opinion: Per Curiam

Concurrences:

Tags: Attorney fees, Civil Rights Act of 1964, Title II, public accommodations, discrimination, reasonable counsel fees, private enforcement

Question(s) Presented: Does the subjective standard used by the CA to determine appropriate attorney fees properly comport with Title II's fee award provision?

Holdings: No, CA came up with a standard that's too subjective. Their judgment is affirmed, but with modification.

Rationale: Because private enforcement is necessary for the Civil Rights Act, recovery of reasonable attorney fees should be a matter of course except in the rare cases where this would be unjust.

Facts: Class action suit under Title II of Civil Rights Act of 1964 enjoining discrimination at several eating establishments owned by respondents.

Legal History, Prior Appeals & Trial Court Input:

- **District Court:** Affirmed all counts of discrimination but one.
- **Court of Appeals:** Affirmed the remaining count; remanded for attorney fees, with instruction that DC should "award counsel fees only to the extent that the respondents' defenses had been advanced 'for purposes of delay and not in good faith.'" (401)

Appeals to Statute & Precedent:

- **Title II of the Civil Rights Act of 1964:** no discrimination in public accommodations.

Dicta/Discussion:

- [Re. Civil Rights action by private enforcement:] "If successful plaintiffs were routinely forced to bear their own attorneys' fees, few aggrieved parties would be in a position to advance the public interest by invoking the injunctive powers of the federal courts." (402)
- **"It follows that one who succeeds in obtaining an injunction under that Title should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust. Because no such circumstances are present here, the District Court on remand should include reasonable counsel fees as part of the costs to be assessed against the respondents." (402-403)**