

**US Supreme Court**

**Case:** *Texas State Teachers Assoc'n. v. Garland Independent Sch. Dist.*, 489 U.S. 782, 108 S.Ct. 1486, 103 L.Ed.2d 866 (1989)

**Date:** March 28, 1989

**Votes:** Unanimous

**Opinion:** O'Connor

**Tags:** Attorney fees, prevailing parties, union, central issue, *de minimis* damages, fee-shifting, First Amendment

**Question(s) Presented:** Who is a prevailing party when it comes to awarding attorney fees under a statute?

**Holdings:** (5th CA reversed)

- "Central issue" test should not be applied
- "Prevailing party" = succeeded on any significant claim and got sought-after relief
- Sometimes a victory is *de minimis* and does not qualify for "prevailing party" status
- These unions were prevailing parties because they succeeded on First Amendment claims

**Rationale:**

- Determining the "central" and "tangential" issues in a complex suit can become tedious and arbitrary. *Hensley* did not give only one criterion for "Prevailing Plaintiff."
- Plaintiff should be able to point to some alteration in the legal relationship between plaintiff and defendant.
- Plaintiffs served as "private attorneys general" and managed to obtain some relief.

**Facts:** Teachers union challenged school district re. limitations on union communications with teachers (First Amendment claims); District Court only granted relief on one claim. CA affirmed & reversed parts; SCOTUS affirmed. Union filed motion for attorney fee award.

**Legal History, Prior Appeals & Trial Court Input:**

- **District Court:** denied request for attorney fees because of failure to succeed on central issue (as determined by District Court)
- **Circuit Court:** affirmed district court bcz parties did not succeed re. "central issue."
- Split circuits on this issue until now:
  - "Central issue" success (5th & 11th)
  - Success on a significant issue (most of others)

**Appeals to Statute & Precedent:**

- **42 U.S.C. § 1988:** Civil Rights Attorney Fee Award Act
- ***Hensley v. Eckerhart (US 1983)*:** prevailing plaintiffs, even though they had not succeeded on every claim. Lodestar calculation. Statutory threshold of prevailing party status: success on a significant issue. Q of whether to award fees for hours worked on unsuccessful claims: depends if you can separate out the hours or if the issues were intertwined and complex.