

Seventh Circuit Establishes New Rights for Attorneys' Fees in Civil Rights Cases

MILWAUKEE, July 20 /PRNewswire/ -- On June 29, 2009, the Seventh Circuit Court of Appeals unanimously overturned a district court decision limiting attorneys' fees in civil rights cases, and set new precedent in favor of prevailing civil rights' plaintiffs and their lawyers. The decision establishes that attorneys' fees cannot be reduced because the case was settled after a defendant's offer of judgment, or because the settlement amount was less than the complaint originally sought.

"Civil rights' attorneys," Attorney Robert Bernhoft noted, "remain on the front line of enforcement of the rule of law, especially as our Department of Justice flounders to enforce their own rules against their own personnel. The courts continue to take notice. This case is a major victory for civil rights plaintiffs across the nation and important rule of law principles," Bernhoft concluded. Bernhoft Law lead attorney Robert Barnes argued the case on appeal.

"This decision will encourage more lawyers to accept important, meritorious civil rights cases, because they know they'll be compensated fairly if they win," commented Attorney James Gende, the lead trial attorney in the case. "We are considered private attorneys general in these types of civil rights cases, under both the statutory bulwark and in the public's eye," Gende emphasized. The Appellate Court noted the excellent results achieved by the Gende Firm, calling the settlement amount "fairly spectacular" and a "significant judgment."

On appeal, the Seventh Circuit unanimously held the so-called "Farrar" rule - permitting reductions of attorneys' fees for "partially prevailing" civil rights plaintiffs - does not apply to any case where the plaintiff obtains more than a truly nominal recovery.

The Bernhoft Law Firm, a boutique firm with offices in Milwaukee, Wisconsin and Los Angeles, California, concentrates in civil rights, criminal defense, and international investment fraud recovery. The Bernhoft Firm's most notable cases include civil rights victories for Ralph Nader before the Ninth Circuit Court of Appeals, and securing dismissals of all claims against the actor Wesley Snipes in New York after filing a federal civil rights suit there.

Gende Law Office is located in Pewaukee, Wisconsin and is primarily engaged in personal injury, wrongful death, and prison litigation involving federal civil rights violations. Notable cases include overturning an arbitrator's award in a five million dollar land development case, securing a \$1.2 million judgment in a securities dispute, and obtaining \$225,000 in damages in a sexual harassment suit.

SOURCE Bernhoft Law