SUPREME COURT OF THE UNITED STATES

No. 91–990

DALE FARRAR AND PAT SMITH, CO-ADMINISTRATORS OF ESTATE OF JOSEPH D. FARRAR, DECEASED, PETITIONERS
v. WILLIAM P. HOBBY, JR.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[December 14, 1992]

JUSTICE THOMAS delivered the opinion of the Court.

We decide today whether a civil rights plaintiff who receives a nominal damages award is a "prevailing party" eligible to receive attorney's fees under 42 U. S. C. §1988. The Court of Appeals for the Fifth Circuit reversed an award of attorney's fees on the ground that a plaintiff receiving only nominal damages is not a prevailing party. Although we hold that such a plaintiff is a prevailing party, we affirm the denial of fees in this case.

Joseph Davis Farrar and Dale Lawson Farrar owned and operated Artesia Hall, a school in Liberty County, Texas, for delinquent, disabled, and disturbed teens. After an Artesia Hall student died in 1973, a Liberty County grand jury returned a murder indictment charging Joseph Farrar with willful failure to administer proper medical treatment and failure to provide timely hospitalization. The State of Texas also obtained a temporary injunction that closed Artesia Hall.

Respondent William P. Hobby, Jr., then Lieutenant Governor of Texas, participated in the events leading to the closing of Artesia Hall. After Joseph Farrar was indicted, Hobby issued a press release criticizing the Texas Department of Public Welfare and its licensing procedures. He urged the department's director to

investigate Artesia Hall and accompanied Governor Dolph Briscoe on an inspection of the school. Finally, he attended the temporary injunction hearing with Briscoe and spoke to reporters after the hearing.

Joseph Farrar sued Hobby, Judge Clarence D. Cain, County Attorney Arthur J. Hartell III, and the director and two employees of the Department of Public Welfare for monetary and injunctive relief under 42 U. S. C. §§1983 and 1985. The complaint alleged deprivation of liberty and property without due process by means of conspiracy and malicious prosecution aimed at closing Artesia Hall. Later amendments to the complaint added Dale Farrar as a plaintiff, dropped the claim for injunctive relief, and increased the request for damages to $17 million. After Joseph Farrar died on February 20, 1983, petitioners Dale Farrar and Pat Smith, coadministrators of his estate, were substituted as plaintiffs.

The case was tried before a jury in the Southern District of Texas on August 15, 1983. Through special interrogatories, the jury found that all of the defendants except Hobby had conspired against the plaintiffs but that this conspiracy was not a proximate cause of any injury suffered by the plaintiffs. The jury also found that Hobby had "committed an act or acts under color of state law that deprived Plaintiff Joseph Davis Farrar of a civil right," but it found that Hobby's conduct was not "a proximate cause of any damages" suffered by Joseph Farrar. App. to Brief in Opposition A–3. The jury made no findings in favor of Dale Farrar. In accordance with the jury's answers to the special interrogatories, the District Court ordered that "Plaintiffs take nothing, that the action be dismissed on the merits, and that the parties bear their own costs." *Id.*, at A–6.

The Court of Appeals for the Fifth Circuit affirmed in part and reversed in part. *Farrar* v. *Cain*, 756 F. 2d 1148 (1985). The court affirmed the failure to award compensatory or nominal damages against the conspirators because the plaintiffs had not proved an actual deprivation of a constitutional right. *Id.*, at 1151–1152. Because the jury found that Hobby had

deprived Joseph Farrar of a civil right, however, the Fifth Circuit remanded for entry of judgment against Hobby for nominal damages. *Id.*, at 1152.

The plaintiffs then sought attorney's fees under 42 U. S. C. §1988. On January 30, 1987, the District Court entered an order awarding the plaintiffs $280,000 in fees, $27,932 in expenses, and $9,730 in prejudgment interest against Hobby. The court denied Hobby's motion to reconsider the fee award on August 31, 1990.

A divided Fifth Circuit panel reversed the fee award. *Estate of Farrar* v. *Cain*, 941 F. 2d 1311 (1991). After reviewing our decisions in *Hewitt* v. *Helms*, 482 U. S. 755 (1987), *Rhodes* v. *Stewart*, 488 U. S. 1 (1988) *(per curiam),* and *Texas State Teachers Assn.* v. *Garland Independent School Dist.*, 489 U. S. 782 (1989), the majority held that the plaintiffs were not prevailing parties and were therefore ineligible for fees under §1988:

> "The Farrars sued for $17 million in money damages; the jury gave them nothing. No money damages. No declaratory relief. No injunctive relief. Nothing. . . . [T]he Farrars did succeed in securing a jury-finding that Hobby violated their civil rights and a nominal award of one dollar. However, this finding did not in any meaningful sense `change the legal relationship' between the Farrars and Hobby. Nor was the result a success for the Farrars on a `significant issue that achieve[d] some of the benefit the [Farrars] sought in bringing suit.' When the sole relief sought is money damages, we fail to see how a party `prevails' by winning one dollar out of the $17 million requested." 941 F. 2d, at 1315 (citations omitted) (quoting *Garland*, *supra*, at 791–792).[1]

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[1]Although the Fifth Circuit's original opinion on liability made clear that Joseph Farrar alone was to receive

The majority reasoned that even if an award of nominal damages represented some sort of victory, "surely [the Farrars'] was `a technical victory . . . so insignificant and . . . so near the situations addressed in *Hewitt* and *Rhodes*, as to be insufficient to support prevailing party status.'" 941 F. 2d, at 1315 (quoting *Garland*, *supra*, at 792).[2]

The dissent argued that "*Hewitt*, *Rhodes* and

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nominal damages for violation of his due process rights, *Farrar* v. *Cain*, 756 F. 2d 1148, 1152 (1985), the District Court on remand awarded attorney's fees not only to petitioners as coadministrators of Joseph Farrar's estate but also to Dale Farrar in his personal capacity, see App. to Pet. for Cert. A–12. The Fifth Circuit reversed Dale Farrar's fee award on the apparent assumption that he too had received nominal damages. Dale Farrar has not petitioned from the Fifth Circuit's judgment in his personal capacity, and the only issue before us is the award of attorney's fees to Dale Farrar and Pat Smith as coadministrators of Joseph Farrar's estate.

[2]The majority acknowledged its conflict with the Courts of Appeals for the Second, Eighth, Ninth, Tenth, and Eleventh Circuits. 941 F. 2d at 1316–1317, and nn. 22 and 26. See *Ruggiero* v. *Krzeminski*, 928 F. 2d 558, 564 (CA2 1991); *Coleman* v. *Turner*, 838 F. 2d 1004, 1005 (CA8 1988); *Scofield* v. *Hillsborough*, 862 F. 2d 759, 766 (CA9 1988); *Nephew* v. *Aurora*, 830 F. 2d 1547, 1553, n. 2 (CA10 1987) (en banc) (Barrett, J., dissenting), cert. denied, 485 U. S. 976 (1988); *Garner* v. *Wal-Mart Stores, Inc.*, 807 F. 2d 1536, 1539 (CA11 1987). After the Fifth Circuit decided this case, the First and Ninth Circuits rejected the Fifth Circuit's position and held that a nominal damages award does confer prevailing party status on a civil rights plaintiff. *Domegan* v. *Ponte*, 972 F. 2d 401, 410 (CA1 1992); *Romberg* v. *Nichols*, 970 F. 2d 512, 519–520 (CA9 1992), cert. pending, No. 92–402;

Garland [do not] go so far" as to hold that "where plaintiff obtains only nominal damages for his constitutional deprivation, he cannot be considered the prevailing party." 941 F. 2d, at 1317 (Reavley, J., dissenting).

We granted certiorari. 502 U. S. ___ (1992).

The Civil Rights Attorney's Fees Award Act of 1976, 90 Stat. 2641, as amended, 42 U. S. C. §1988, provides in relevant part:

> "In any action or proceeding to enforce a provision of sections 1981, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92–318 . . . , or title VI of the Civil Rights Act of 1964 . . . , the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs."

"Congress intended to permit the . . . award of counsel fees only when a party has prevailed on the merits." *Hanrahan* v. *Hampton*, 446 U. S. 754, 758 (1980) *(per curiam).* Therefore, in order to qualify for attorney's fees under §1988, a plaintiff must be a "prevailing party." Under our "generous formulation" of the term, "`plaintiffs may be considered "prevailing parties" for attorney's fees purposes if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit.'" *Hensley* v. *Eckerhart*, 461 U. S. 424, 433 (1983) (quoting *Nadeau* v. *Helgemoe*, 581 F. 2d 275, 278–279 (CA1 1978)). "[L]iability on the merits and responsibility for fees go hand in hand; where a defendant has not been prevailed

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970 F. 2d, at 525–526 (Wallace, C. J., concurring). The Fourth Circuit has adopted a position consistent with the Fifth Circuit's. *Lawrence* v. *Hinton*, 20 Fed. Rules Serv. 3d 934, 936–937 (CA4 1991); *Spencer* v. *General Elec. Co.*, 894 F. 2d 651, 662 (CA4 1990) (dicta).

against, either because of legal immunity or on the merits, §1988 does not authorize a fee award against that defendant." *Kentucky* v. *Graham*, 473 U. S. 159, 165 (1985).

We have elaborated on the definition of prevailing party in three recent cases. In *Hewitt* v. *Helms*, 482 U. S. 755 (1987), we addressed "the peculiar-sounding question whether a party who litigates to judgment and loses on all of his claims can nonetheless be a `prevailing party.'" *Id.*, at 757. In his §1983 action against state prison officials for alleged due process violations, respondent Helms obtained no relief. "The most that he obtained was an interlocutory ruling that his complaint should not have been dismissed for failure to state a constitutional claim." *Id.*, at 760. Observing that "[r]espect for ordinary language requires that a plaintiff receive at least some relief on the merits of his claim before he can be said to prevail," we held that Helms was not a prevailing party. *Ibid.* We required the plaintiff to prove "the settling of some dispute which affects the behavior of the defendant towards the plaintiff." *Id.*, at 761 (emphasis omitted).

In *Rhodes* v. *Stewart*, 488 U. S. 1 (1988) *(per curiam),* we reversed an award of attorney's fees premised solely on a declaratory judgment that prison officials had violated the plaintiffs' First and Fourteenth Amendment rights. By the time the District Court entered judgment, "one of the plaintiffs had died and the other was no longer in custody." *Id.*, at 2. Under these circumstances, we held, neither plaintiff was a prevailing party. We explained that "nothing in [*Hewitt*] suggested that the entry of [a declaratory] judgment in a party's favor automatically renders that party prevailing under §1988." *Id.*, at 3. We reaffirmed that a judgment—declaratory or otherwise—"will constitute relief, for purposes of §1988, if, and only if, it affects the behavior of the defendant toward the plaintiff." *Id.*, at 4. Whatever

"modification of prison policies" the declaratory judgment might have effected "could not in any way have benefited either plaintiff, one of whom was dead and the other released." *Ibid.*[3]

Finally, in *Texas State Teachers Assn.* v. *Garland Independent School Dist.*, 489 U. S. 782 (1989), we synthesized the teachings of *Hewitt* and *Rhodes*. "[T]o be considered a prevailing party within the meaning of §1988," we held, "the plaintiff must be able to point to a resolution of the dispute which changes the legal relationship between itself and the defendant." 489 U. S., at 792. We reemphasized that "[t]he touchstone of the prevailing party inquiry must be the material alteration of the legal relationship of the parties." *Id.*, at 792–793. Under this test, the plaintiffs in *Garland* were prevailing parties because they "obtained a judgment vindicating [their] First Amendment rights [as] public employees" and "materially altered the [defendant] school district's policy limiting the rights of teachers to communicate with each other concerning employee organizations and union activities." *Id.*, at 793.

Therefore, to qualify as a prevailing party, a civil rights plaintiff must obtain at least some relief on the merits of his claim. The plaintiff must obtain an enforceable judgment against the defendant from whom fees are sought, *Hewitt*, *supra*, at 760, or

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[3]Similarly, the plaintiff in *Hewitt* v. *Helms*, 482 U. S. 755, 763 (1987), "had long since been released from prison" by the time his failed lawsuit putatively prompted beneficial changes in prison policy. We held that the "fortuity" of a subsequent return to prison, which presumably allowed the plaintiff to benefit from the new procedures, could "hardly render him, retroactively, a `prevailing party' . . . , even though he was not such when the final judgment was entered." *Id.*, at 764.

comparable relief through a consent decree or settlement, *Maher* v. *Gagne*, 448 U. S. 122, 129 (1980). Whatever relief the plaintiff secures must directly benefit him at the time of the judgment or settlement. See *Hewitt*, *supra*, at 764. Otherwise the judgment or settlement cannot be said to "affec[t] the behavior of the defendant toward the plaintiff." *Rhodes*, 488 U. S., at 4. Only under these circumstances can civil rights litigation effect "the material alteration of the legal relationship of the parties" and thereby transform the plaintiff into a prevailing party. *Garland*, *supra*, at 792–793. In short, a plaintiff "prevails" when actual relief on the merits of his claim materially alters the legal relationship between the parties by modifying the defendant's behavior in a way that directly benefits the plaintiff.

Doubtless "the basic purpose of a §1983 damages award should be to compensate persons for injuries caused by the deprivation of constitutional rights." *Carey* v. *Piphus*, 435 U. S. 247, 254 (1978). For this reason, no compensatory damages may be awarded in a §1983 suit absent proof of actual injury. *Id.*, at 264. Accord, *Memphis Community School Dist.* v. *Stachura*, 477 U. S. 299, 307, 308, n. 11 (1986). We have also held, however, that "the denial of procedural due process should be actionable for nominal damages without proof of actual injury." *Carey*, *supra*, at 266. The awarding of nominal damages for the "absolute" right to procedural due process "recognizes the importance to organized society that [this] righ[t] be scrupulously observed" while "remain[ing] true to the principle that substantial damages should be awarded only to compensate actual injury." 435 U. S., at 266. Thus, *Carey* obligates a court to award nominal damages when a plaintiff establishes the violation of his right

to procedural due process but cannot prove actual injury.

We therefore hold that a plaintiff who wins nominal damages is a prevailing party under §1988. When a court awards nominal damages, it neither enters judgment for defendant on the merits nor declares the defendant's legal immunity to suit. Cf. *Kentucky* v. *Graham*, 473 U. S., at 165; *Supreme Court of Virginia* v. *Consumers Union of United States, Inc.*, 446 U. S. 719, 738 (1980). To be sure, a judicial pronouncement that the defendant has violated the Constitution, unaccompanied by an enforceable judgment on the merits, does not render the plaintiff a prevailing party. Of itself, "the moral satisfaction [that] results from any favorable statement of law" cannot bestow prevailing party status. *Hewitt*, 482 U. S., at 762. No material alteration of the legal relationship between the parties occurs until the plaintiff becomes entitled to enforce a judgment, consent decree, or settlement against the defendant. A plaintiff may demand payment for nominal damages no less than he may demand payment for millions of dollars in compensatory damages. A judgment for damages in any amount, whether compensatory or nominal, modifies the defendant's behavior for the plaintiff's benefit by forcing the defendant to pay an amount of money he otherwise would not pay. As a result, the Court of Appeals for the Fifth Circuit erred in holding that petitioners' nominal damages award failed to render them prevailing parties.

We have previously stated that "a technical victory may be so insignificant . . . as to be insufficient to support prevailing party status." *Garland*, 489 U. S., at 792.[4] The example chosen in *Garland* to illustrate

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[4]We did not consider whether the plaintiffs in *Garland* could be denied prevailing party status on this basis, because "[t]hey prevailed on a significant issue in the

this sort of "technical" victory, however, would fail to support prevailing party status under the test we adopt today. In that case, the District Court declared unconstitutionally vague a regulation requiring that "nonschool hour meetings be conducted only with prior approval from the local school principal." *Ibid.* We suggested that this finding alone would not sustain prevailing party status if there were "`no evidence that the plaintiffs were ever refused permission to use school premises during non-school hours.'" *Ibid.* The deficiency in such a hypothetical "victory" is identical to the shortcoming in *Rhodes*. Despite winning a declaratory judgment, the plaintiffs could not alter the defendant school board's behavior toward them for their benefit. Now that we are confronted with the question whether a nominal damages award is the sort of "technical," "insignificant" victory that cannot confer prevailing party status, we hold that the prevailing party inquiry does not turn on the magnitude of the relief obtained. We recognized as much in *Garland* when we noted that "the *degree* of the plaintiff's success" does not affect "eligibility for a fee award." *Id.*, at 790 (emphasis in original). See also *id.*, at 793.

Although the "technical" nature of a nominal damages award or any other judgment does not affect the prevailing party inquiry, it does bear on the propriety of fees awarded under §1988. Once civil rights litigation materially alters the legal relationship between the parties, "the degree of the plaintiff's overall success goes to the reasonableness" of a fee award under *Hensley* v. *Eckerhart*, 461 U. S. 424 (1983). *Garland*, *supra*, at 793. Indeed, "the most critical factor" in determining the reasonableness of a fee award "is the degree of success obtained."

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litigation and . . . obtained some of the relief they sought." 489 U. S., at 793.

Hensley, *supra*, at 436. Accord, *Marek* v. *Chesny*, 473 U. S. 1, 11 (1985). In this case, petitioners received nominal damages instead of the $17 million in compensatory damages that they sought. This litigation accomplished little beyond giving petitioners "the moral satisfaction of knowing that a federal court concluded that [their] rights had been violated" in some unspecified way. *Hewitt*, *supra*, at 762. We have already observed that if "a plaintiff has achieved only partial or limited success, the product of hours reasonably expended on the litigation as a whole times a reasonable hourly rate may be an excessive amount." *Hensley*, *supra*, at 436. Yet the District Court calculated petitioners' fee award in precisely this fashion, without engaging in any measured exercise of discretion. "Where recovery of private damages is the purpose of . . . civil rights litigation, a district court, in fixing fees, is obligated to give primary consideration to the amount of damages awarded as compared to the amount sought." *Riverside* v. *Rivera*, 477 U. S. 561, 585 (1986) (Powell, J., concurring in judgment). Such a comparison promotes the court's "central" responsibility to "make the assessment of what is a reasonable fee under the circumstances of the case." *Blanchard* v. *Bergeron*, 489 U. S. 87, 96 (1989). Having considered the amount and nature of damages awarded, the court may lawfully award low fees or no fees without reciting the 12 factors bearing on reasonableness, see *Hensley*, 461 U. S., at 430, n. 3, or multiplying "the number of hours reasonably expended . . . by a reasonable hourly rate," *id.*, at 433.

In some circumstances, even a plaintiff who formally "prevails" under §1988 should receive no attorney's fees at all. A plaintiff who seeks compensatory damages but receives no more than nominal damages is often such a prevailing party. As we have held, a nominal damages award does render a plaintiff a prevailing party by allowing him to

vindicate his "absolute" right to procedural due process through enforcement of a judgment against the defendant. *Carey*, 435 U. S., at 266. In a civil rights suit for damages, however, the awarding of nominal damages also highlights the plaintiff's failure to prove actual, compensable injury. *Id.*, at 254–264. Whatever the constitutional basis for substantive liability, damages awarded in a §1983 action "must always be designed `to *compensate injuries* caused by the [constitutional] deprivation.'" *Memphis Community School Dist.* v. *Stachura*, 477 U. S., at 309 (quoting *Carey*, *supra*, at 265) (emphasis and brackets in original). When a plaintiff recovers only nominal damages because of his failure to prove an essential element of his claim for monetary relief, see *Carey*, *supra*, at 256–257, 264, the only reasonable fee is usually no fee at all. In an apparent failure to heed our admonition that fee awards under §1988 were never intended to "`produce windfalls to attorneys,'" *Riverside* v. *Rivera*, *supra*, at 580 (plurality opinion) (quoting S. Rep. No. 94–1011, p. 6 (1976)), the District Court awarded $280,000 in attorney's fees without "consider[ing] the relationship between the extent of success and the amount of the fee award." *Hensley*, *supra*, at 438.

Although the Court of Appeals erred in failing to recognize that petitioners were prevailing parties, it correctly reversed the District Court's fee award. We accordingly affirm the judgment of the Court of Appeals.

So ordered.