

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

### Syllabus

FARRAR ET AL., COADMINISTRATORS OF ESTATE OF  
FARRAR, DECEASED *v.* HOBBY  
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE  
FIFTH CIRCUIT  
No. 91-990. Argued October 7, 1992—Decided December 14,  
1992

Petitioners, coadministrators of decedent Farrar's estate, sought \$17 million in compensatory damages, pursuant to 42 U.S.C. §§1983 and 1985, from respondent Hobby and other Texas public officials for the alleged illegal closure of the school that Farrar and his son operated. However, the Federal District Court awarded them only nominal damages and, subsequently, awarded them \$280,000 in attorney's fees under 42 U.S.C. §1988. The Court of Appeals reversed the fee award on the ground that petitioners were not prevailing parties eligible for fees under §1988.

*Held:*

1. A plaintiff who wins nominal damages is a prevailing party under §1988. 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. *Hewitt v. Helms*, 482 U.S. 755; *Rhodes v. Stewart*, 488 U.S. 1; *Texas State Teachers Assn. v. Garland Independent School Dist.*, 489 U.S. 782. Here, petitioners were entitled to nominal damages under *Carey v. Phipps*, 435 U.S. 247, 266, because they were able to establish Hobby's liability for denial of procedural due process, but could not prove the actual injury necessary for a compensatory damages award. Judgment for nominal damages entitled petitioners to demand payment and modified Hobby's behavior for petitioners' benefit by forcing him to pay an amount of money he otherwise would not have paid. The prevailing party inquiry does not turn on the magnitude of the relief obtained, and whether a nominal damages award is a "technical," "insignificant" victory does not affect the plaintiff's prevailing

party status. Cf. *Garland, supra*, at 792. Pp.5-10.

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2. Petitioners are not entitled to a fee award. While the "technical" nature of a nominal damages award does not affect the prevailing party inquiry, it does bear on the propriety of fees awarded under §1988. The most critical factor in determining a fee award's reasonableness is the degree of success obtained, since a fee based on the hours expended on the litigation as a whole may be excessive if a plaintiff achieves only partial or limited success. *Hensley v. Eckerhart*, 461 U.S. 424, 436. When a plaintiff recovers only nominal damages because of his failure to prove an essential element of his claim for monetary relief, the only reasonable fee is usually no fee at all. In light of "the relationship between" the extent of petitioners' success on the merits and the award's amount, *id.*, at 438, the reasonable fee was not the District Court's \$280,000 award but no fee at all. Pp.10-12.  
941 F.2d 1311, affirmed.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, SCALIA, and KENNEDY, JJ., joined. O'CONNOR, J., filed a concurring opinion. WHITE, J., filed an opinion concurring in part and dissenting in part, in which BLACKMUN, STEVENS, and SOUTER, JJ., joined.