

Law360 Quotes Partner Barbara E. Hoey on Supreme Court's EEOC Attorneys' Fees Ruling

May 19, 2016

Partner [Barbara E. Hoey](#) was quoted in the *Law360* article, "Attorneys React To High Court's EEOC Attys' Fees Ruling," regarding the U.S. Supreme Court's ruling that an employer does not need to receive a favorable judgment on the merits in order to be considered a prevailing party for an award of fees under Title VII. Ms. Hoey said:

"Even though the defendant here is not getting its \$4 million in legal fees — yet — the Supreme Court's decision is undeniably positive for the defense bar. The facts here were unique. The EEOC had sued defendant CRST, a trucking company, claiming that it had subjected a class of 250 female employees to sexual harassment. After the district court dismissed all of those claims on procedural grounds, finding that the EEOC had improperly sued before attempting conciliation, it awarded the company \$4 million in fees. On appeal, the EEOC argued this was not a finding 'on the merits.'...The court rejected this argument, holding that — however a defendant wins — it is a 'prevailing party,' whether or not there was a ruling 'on the merits.' Thus a victory on procedural grounds will still be a victory and will still entitle a defendant to seek its fees. Title VII litigation is not always a 'fair fight.' When litigating against the government, companies often find themselves pitted against an agency with significant power, significant clout, and a significant budget. If this decision does anything to cause a plaintiff or an agency to hit 'pause' before running into court with a questionable case, then it is a huge victory for employers."

To read the full article, please click [here](#). Access may require subscription.