

## **SELECTED FEDERAL ATTORNEY'S FEES STATUTES**

### **1. Civil Rights**

- a. Civil Rights Attorney's Fees Award Act, 42 U.S.C. 1988 - covers due process, equal protection, violation of federal law, etc.
- b. Rehabilitation, Comprehensive Services & Developmental Disabilities Amendments of 1978, 29 U.S.C. 794 (a).
- c. Voting Rights Act Amendments of 1975, 42 U.S.C. 19731 (e).
- d. Civil Rights Act of 1964, 42 U.S.C. 2000a-3 (b) (public accommodations) 2000e-5(k) (employment).
- e. Age Discrimination In Federally Assisted Programs, 42 U.S.C. 610(e)(1).
- f. Fair Housing Act, 42 U.S.C. 3612(c).
- g. Education for the Handicapped Act, 20 U.S.C. 1415(e)(4)(B).
- h. Americans with Disabilities Act, 42 U.S.C. 12205.

### **2. Employment**

- a. COBRA of 1986 - continuation of health care insurance coverage - see ERISA, Section II(e), *infra*.
- b. Federal Employee Merit System Protection (Civil Service), 5 U.S.C. 7701(g) (Appeal of Agency Personnel Action); Civil Service Reform Act of 1978, 5 U.S.C. 5596(b)(1)(A)(ii).
- c. Fair Labor Standards Act, Equal Pay Act, 29 U.S.C. 216(b).
- d. Longshore and Harbor Workers Compensation Act. 33 U.S.C. 928.
- e. Employees Retirement Income Security Act (ERISA), 29 U.S.C. 1132(g)(1), 29 U.S.C. 1451(a)(2)(e).
- f. Age Discrimination in Employment Act of 1967, 29 U.S.C. 626(b).

### **3. Consumer Protection**

- a. Bankruptcy laws, Title 11, U.S.C., e.g.

- §362, violation of stay and contempt theories
- §366, termination of utility services
- §524, protection of discharge
- §525(a), injunction against discrimination
- Bankruptcy Rule 9011 (frivolous pleadings)
- 42 USC 1988, actions against state/local governments
- Equal Access to Justice Act, 28 U.S.C. 2412(d)(1)(A), and as to IRS, 26 USC 7430.
- federal and state consumer protection laws

*See, Consumer Bankruptcy Law & Practice*, § 16.5 (9<sup>th</sup> Ed. 2009), National Consumer Law Center

- b. Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- c. Truth-in-Lending Act, including HOEPA, 15 U.S.C. 1640(a), 1667 (b), 1667d(a), 1681N, 1691e(d).
- d. Consumer Leasing Act of 1976, 15 U.S.C. 1667(a), 1667d(a).
- e. Fair Credit Reporting Act, 15 U.S.C. 1681n, 1681o.
- f. Equal Credit Opportunity Act, 15 U.S.C. 1691e(d).
- g. Electronic Fund Transfer Act, 15 U.S.C. 1693m(a), (f).
- h. Health - Emergency Medical Treatment (anti-dumping act), 42 U.S.C. 1395dd(d)(2)(A) and 42 U.S.C. 1983.
- i. Housing & Community Development Act, 15 U.S.C. 1709(c).
- j. Magnuson-Moss Warranty-Federal Trade Improvement Act, 15 U.S.C. 2310(d)(2).
- k. Motor Vehicle Information and Cost Savings Act (Odometer Law), 15 U.S.C. 1918(a).
- l. Household Goods Transportation Act of 1980, 49 U.S.C. 11711(d), (e).
- m. Condominium and Coop. Conversion Protection & Abuse Relief Act of 1980, 15 U.S.C. 3608(d), 3611(d).

## 5. Other

- a. Suits against federal agencies - Equal Access to Justice Act, 28 U.S.C. 2412(d)(1)(A).
- b. Civil tax litigation with Internal Revenue Service, 26 U.S.C. 7430 (if IRS position not substantially justified). Fees may be awarded for pro bono work. 26 USC 7430(c)(3)(B); *see Morrison v. C.I.R.*, 565 F.3d 658 (9<sup>th</sup> Cir. 2009).
- c. Freedom of Information Act (FOIA) - 5 U.S.C. 522(a)(4)(E).
- d. Federal Rules of Civil Procedure, Rule 11; Rules 26 et seq.
- e. Labor Organizations- e.g. Labor Management Relations Act of 1959, 29 U.S.C. 431(c).
- f. Sunshine & Privacy- e.g., Government in Sunshine Act, 5 U.S.C. 552b(I); Privacy Protection - 42 U.S.C. 2000 aa-6(f) and 12 U.S.C. 2417(a)(4).