



***Southeastern Legal Foundation Supports Awarding Attorney’s Fees to Civil Rights Plaintiffs  
in Supreme Court Amicus Brief***

Aug. 12, 2024: Together with other public interest law groups, [Southeastern Legal Foundation](#) (SLF) is calling on the United States Supreme Court to uphold incentives that encourage and protect civil rights litigation in its latest [amicus brief](#) before the Court. SLF and amici filed the brief in support of Virginia citizens who sued their government and won. Now, however, the government is refusing to pay the plaintiffs’ attorney’s fees.

When the government violates the rights of the American people, the people can sue the government in court. Nonprofit public interest legal organizations like SLF bring these lawsuits every day on behalf of Americans—free of charge—to vindicate their clients’ constitutional rights and set precedent to preserve all Americans’ rights. Congress has even passed laws specifically allowing Americans who “prevail” in the courtroom to collect attorney’s fees to encourage and incentivize government accountability.

A group of Virginia citizens successfully sought and received a temporary injunction in federal court to halt the enforcement of an unconstitutional state law. Before the court could reach a final ruling on the merits, the State of Virginia repealed the law altogether. But Virginia now claims that because the court never reached a final ruling, the citizens were not the “prevailing party” and are thus not entitled to attorney’s fees.

As SLF and amici explain in their [brief](#), any time a party leaves its mark on the law by creating favorable precedent, it is a prevailing party. Virginia citizens clearly prevailed when they won the relief they were seeking—a preliminary injunction—which became the catalyst for the ultimate repeal of the law. Refusing to allow civil rights litigants to seek attorney’s fees would not only contradict Congressional intent but would also deter civil rights litigation altogether.

SLF is joined in the brief by Institute for Free Speech, Cato Institute, New Civil Liberties Alliance, Liberty Justice Center, Second Amendment Foundation, and the National Rifle Association of America.