

Bond Case Briefs

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EMPLOYMENT - ARKANSAS

Nassar v. Jackson

United States Court of Appeals, Eighth Circuit - March 3, 2015 - F.3d - 2015 WL 871766

Caucasian public school district employees brought action against public school district employer and school board members, alleging that they were discharged on account of their race, asserting violation of their due process rights, and asserting a state-law defamation claim. The District Court entered judgment, upon a jury verdict, in favor of employees, denied defendants' motion for judgment as a matter of law, and awarded attorney fees. Defendants appealed.

The Court of Appeals held that:

- Defendants waived argument on appeal that evidence was insufficient to support race discrimination claim;
- Damages award of \$340,000 for due process violation was excessive;
- Defendants did not waive argument on appeal that damages award was excessive;
- Proper hourly attorney fees rate for employee's lead counsel was \$375; and
- Fees award would not be reduced because some of the attorney's time entries were block-billed.

District Court did not improperly award school district employee's lead counsel \$375 per hour, rather than his usual rate of \$250 per hour, solely because counsel worked on contingency, after employee prevailed in his due process claim against school district; Court explained that it awarded enhanced rate because of lead counsel's experience and his superior legal and advocacy skills.