

CA, May 28, 1975  
p. 26

# Court Denies Fee Payment

Attorneys for the Citizens to Preserve Overton Park yesterday were denied their U.S. Supreme Court effort to bill the state for an estimated \$15,000 in attorney fees and expenses.

The Supreme Court justices refused to consider the environmentalists' argument that state funds should cover the tab for their successful appeal of a major dispute in the lawsuit.

When former Transportation Secretary John Volpe left office in January, 1974, he refused to choose a specific route for Interstate 40 through Memphis. The state claimed he was bound by law to specify an I-40 corridor, but the environmental opponents successfully argued Volpe's suggestion of various alternatives was sufficient.

The park preservationists said they spent 192 hours in preparing that phase of the case and billed the state for fees and out-of-pocket expenses.

The group's Memphis attorney, Charles F. Newman, said yesterday, "This comes as no surprise, because the Supreme Court had issued a similar decision in the Alaskan pipeline case, indicating that no attorneys fees will be awarded to plaintiffs' attorneys in cases of this sort in the future."

Newman would not comment on the ruling's possible effects on future environmental litigation, except to say, "I don't think it will deter such litigation."

J. Alan Hanover, special counsel to the Tennessee Transportation Department, said, "We're very gratified, because we don't feel the State of Tennessee was responsible for their fees. The state, in all of this confusion, has never been found to have done anything incorrectly. Consequently, we don't feel we're committed to pay anybody's attorney fees but our own."

State sources predicted the Alaskan pipeline ruling, in particular, will stem many environmental disputes and reduce the volume of litigation in pending lawsuits.