

1979 WL 43079 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 22, 1979

***1 RE: Attorneys Fees**

Jack S. Mullins, Ph.D.

Director

Budget and Control Board

Personnel Division

1205 Pendleton Street

Columbia, South Carolina 29201

Dear Dr. Mullins:

You have recently asked this Office for its opinion as to whether the State Employee Grievance Committee and the Budget and Control Board have the authority to award attorneys' fees.

It is the opinion of this Office that neither the State Employee Grievance Committee nor the Budget and Control Board have the authority to award attorneys fees. A few years ago in [Alyeska Pipeline Service Company vs. The Wilderness Society, et al.](#), 421 U.S. 240, 257 (1975), the United States Supreme Court articulated the 'American Rule' which provides that ordinarily attorneys fees are not recoverable by the prevailing party in the absence of statutory authorization. Inasmuch as there is no statute which provides that the Grievance Committee or Board may award attorneys fees, such fees cannot be awarded to a prevailing party.

Sincerely,

Barbara J. Hamilton

State Attorney

1979 WL 43079 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.