

# Second Circuit: Five Factors Still Relevant to ERISA Attorney Fee Awards

**ERISA Practice Center Blog** on **April 1, 2014**

The Second Circuit recently had occasion to provide guidance to the lower courts on the standard for evaluating an ERISA attorneys' fee application following the U.S. Supreme Court's ruling in *Hardt v. Reliance Standard Life Ins. Co.*, 560 U.S. 242 (2010). As previously reported, in *Hardt*, the Supreme Court observed that ERISA's fee shifting provision unambiguously allows a court to award attorneys' fees in its discretion to either party. Noting that a court's discretion is never unlimited, the Court held that a claimant must only show "some degree of success on the merits" before a trial court may award attorneys' fees under ERISA. In so holding, the Court stated that once a claimant has satisfied this requirement, and thus becomes eligible for an attorneys' fees award, a court may consider other factors in deciding whether to award attorneys' fees... [Continue Reading](#)

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