

Lawyer for IRS Is Awarded Legal Fees for Ferreting Out His Own Files

By Joseph Young

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A U.S. District Court decision here opens the way for federal employees to recover attorneys' fees and other litigation costs when they successfully take legal action under the Privacy Act to secure documents and other information in their personnel files.

In what is believed to be the first case of its kind, U.S. District Judge Joseph C. Waddy awarded \$400 in attorney and legal costs to an Internal Revenue Service employee who had sued to secure data in his files.

The employee, Albert J. Schibani, sought to obtain a copy of a memo his supervisor had written in connection with Schibani's application for a promotion.

When IRS turned him down, Schibani filed suit in District Court here under the Privacy Act to secure it.

Before the case came to trial, IRS and the Justice Department, which

was defending the case, agreed to give him the data he sought.

Subsequently, Schibani sued in District Court for reimbursement of attorneys' fees and other litigation expenses.

The government opposed the suit, but Judge Waddy awarded Schibani \$400, holding that the Privacy Act should follow the example of the Freedom of Information Act, which allows such reimbursements.

What makes the case even more interesting is that Schibani is a lawyer with the IRS and handled his own case.

Schibani points out that it doesn't make any difference whether federal employees in Privacy Act cases handle their cases themselves or hire lawyers; they are entitled to reimbursement of legal expenses if they win their fight to obtain documents and data in their files.

(Civil Action No. 76-1964.)