

PRIVATE ATTORNEYS GENERAL

Both statutes [RICO and Clayton Act] bring to bear the pressure of “**private attorneys general**” on a serious national problem for which public prosecutorial resources are deemed inadequate; the mechanism chosen to reach the objective in both the Clayton Act and RICO is the carrot of treble damages. See *Agency Holding Corp. v. Malley-Duff & Associates*, 107 Supreme Court Reporter 2759. See also 483 U.S. 143 at page 151 (1987).

In rejecting a significantly different focus under RICO, therefore, we are honoring an analogy that Congress itself accepted and relied upon, and one that promotes the objectives of civil RICO as readily as it furthers the objects of the Clayton Act. Both statutes share a common congressional objective of encouraging civil litigation to supplement Government efforts to deter and penalize the respectively prohibited practices. **The object of civil RICO is thus not merely to compensate victims but to turn them into prosecutors, “private attorneys general,” dedicated to eliminating racketeering activity.** ³ *Id.*, at 187 (citing *Malley-Duff*, 483 U.S., at 151) (civil RICO specifically has a “further purpose [of] encouraging potential private plaintiffs diligently to investigate”). The provision for treble damages is accordingly justified by the expected benefit of suppressing racketeering activity, an object pursued the sooner the better. See *Rotella v. Wood et al.*, 528 U.S. 549 (2000).

The “**private attorney general**” concept holds that a successful private party plaintiff is entitled to recovery of his legal expenses, including attorney fees, if he has advanced the policy inherent in public interest legislation on behalf of a significant class

of persons. Dasher v. Housing Authority of City of Atlanta, Ga., D.C.Ga., 64 F.R.D. 720,
722. *See also* Equal Access to Justice Act.

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