Court of Appeals of District of Columbia

Case: *District of Columbia v. Straus*, 590 F.3d 898, 389 U.S.App.D.C. 58, 252 Ed. Law Rep. 66
Date: Jan 8, 2010

Opinion: Judge Tatel

Tags: Attorney fees, administrative due process, IDEA, "prevailing party", fee-shifting

Question(s) Presented: Was District of Columbia entitled to fee awards under IDEA if administrative proceedings were dismissed as moot?

Holdings:

(1) Dismissal of case was judgment in original defendant's favor, but
(2) There was no judicial relief awarded, which would make them into "prevailing party" entitled to recover attorney fees.

Rationale: "Prevailing party" is a technical term that requires judicial relief before attorney fees will be awarded.

- Here, the hearing officer decided nothing on the merits, so D.C. does not qualify as "prevailing party."

Facts: District of Columbia sued for attorney fees for IDEA case that was dismissed as moot. Student's lawyer had proceeded with administrative hearing even though the school district had complied with a request for psychological evaluation already (because HE wanted to collect attorney fees!). Case dismissed with prejudice.

Legal History, Prior Appeals & Trial Court Input:

- District Court: Wouldn't award attorney fees because District of Columbia didn't actually qualify as "prevailing plaintiff."

Appeals to Statute & Precedent:

- **20 U.S.C. § 1415(i)(3)(B)(i)(I-II):** IDEA fee-shifting for attorney fee awards for "prevailing party", including State or educational agency "against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation."
- ***Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health and Human Resources*, 532 U.S. 598, 121 S.Ct. 1835, 149 L.Ed.2d 855 (2001):** "the term 'prevailing party' [is] a legal term of art' that requires more than achieving the desired outcome; the party seeking fees must also have 'been awarded some relief by the court.'" (*Buckhannon* at 603/1835; quoted here at 61/901) In *Buckhannon*, SCOTUS reversed fee award to lawyers who had settled out of court.

- ***Thomas v. Nat'l Sci. Found.*, 330 F.3d 486, 492–93 (D.C.Cir.2003):** Three-part test for "prevailing party":
    - There must be a "court-ordered change in the legal relationship" of the parties
    - The judgment must be in favor of the party seeking the fees
    - The judicial pronouncement must be accompanied by judicial relief. (*Straus* at 61/901)
- ***District of Columbia v. Jeppsen*, 514 F.3d 1287 (D.C.Cir.2008):** "finding that a dismissal on the merits qualifies the defendant as the prevailing party" (*Straus* at 61/901)