

ALEXANDER v. D.C. RENTAL HOUSING COMMISSION, 542 A.2<sup>nd</sup> 359 (1988)

Court: D.C. Court of Appeals, opinion by Pryor, CJ; Newman, AJ and Steadman, AJ

Judicial History: Attorney petitioned for review of decision of the District of Columbia Rental Housing Commission denying attorney fees in a Rental Housing Act dispute.

Facts: Tenant, an attorney, recovered treble damages from his landlord in a Rent Administrator's decision. The decision was based on the landlord's plain violation of the statutory ban against implementing two rent increases within a six-month period. The Rent Administrator did not award any attorney's fees to tenant although authorized to do so. The Rental Housing Commission affirmed the denial of attorney fees. Although the Commission recognized that no *pro se* rule barred attorney fees to all attorney *pro se* tenants, it took the view that claims to such fees "must be examined carefully in each case."

Holding: The Court of Appeals held that there is a presumption in favor of award of attorney fees to successful attorney *pro se* tenant in Rental Housing Act disputes, and standard to be used in determining such fee awards are those listed for consideration in determining appropriate award under statutory grant.

Reasoning: A significant concern of attorney fees award provisions is to increase the level of competence with which *pro se* complaints are prosecuted; to achieve this end, it makes no difference whether an attorney represents himself or herself.

Decision: Set aside and remanded.