

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

APPENDIX E

**THE DISTRICT COURT FUND
REGULATIONS GOVERNING THE PREPAYMENT AND
REIMBURSEMENT OF EXPENSES IN PRO BONO CASES**

These Regulations were initially promulgated by the Court pursuant to the general order of June 27, 1985. They were amended by the general orders of November 1, 1990 and April 1, 1991. The Advisory Group added policies used in interpreting the Regulations. The policies were initially adopted on May 7, 1986 and amended in September 1992 and January 12, 2001. A copy of the policies is appended to the Regulations.

NOTE: Only counsel appointed by the court pursuant to Local Rule 83.36 are eligible to petition the court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

**REGULATIONS GOVERNING THE PREPAYMENT & REIMBURSEMENT OF
EXPENSES OF COURT APPOINTED COUNSEL IN PRO BONO CASES
FROM THE DISTRICT COURT FUND**

**D.C.F. REG.1 ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF
EXPENSES**

When a trial bar attorney has been appointed, pursuant to LR83.36, to represent an indigent party in a civil proceeding before this Court, that attorney shall be allowed to petition the Court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

D.C.F. REG.2 LIMITATIONS ON ELIGIBILITY.

A. Not Applicable if C.J.A. Funds are Available

In any proceeding where expenses are covered by the Criminal Justice Act (Title 18 U.S.C. §3006A), they shall be paid from such funds in accordance with C.J.A. guidelines and not from the District Court Fund.

B. Limit on Total Expenses Covered by Fund

The judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling \$1,000.00. If the total of the prepayments or reimbursement requested and those already allowed exceed \$1,000.00 the judge shall forward the request to the chief judge together with a recommendation. In no event will more than \$3,000.00 in such expenses be paid for a party in any proceeding. Where two or more parties in the same proceeding are represented by counsel appointed pursuant to Local Rule 83.36, the limits established by this section shall apply to the costs incurred on behalf of each party, provided that in no proceeding shall the total amount paid from the Fund exceed \$7,000.00, regardless of the number of parties so represented.

C. Limited to Civil Actions Before the District Court

Only those expenses associated with the preparation of a civil action in the U.S. District Court for the Northern District of Illinois shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the U.S. Court of Appeals or the U.S. Supreme Court shall be reimbursed from the District Court Fund unless otherwise approved by the Advisory Committee for the Administration of the District Court Fund and the chief judge of the U.S. District Court upon prior application by the appointed attorney.

**D. Overhead Costs, Costs of Computer Assisted Legal Research, and Costs of Printing
Briefs Not Covered**

General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, and any general expense that would normally be reflected in the fee charged to a client are not reimbursable from the District Court Fund. Any costs incurred in conducting computer assisted legal research is not reimbursable from the Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.

E. Not Available to Pay Costs Awarded Against Party

Under no circumstances shall any payments be authorized from the Fund to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this Court.

F. Reimbursement and Prepayment Where Party Prevails

Except as provided by this section, no reimbursement shall be authorized from the Fund in those instances where the party for whom counsel was appointed prevails or accepts a settlement and the amount awarded to or accepted by the party exceeds \$2,500.00. Where the amount awarded to or accepted by the party is more than \$2,500.00 and no provision is made to cover the expenses incurred by court-appointed counsel that would otherwise be covered by these regulations, prepayments and reimbursements may be authorized within the limits of these regulations, but the total amount to be paid from the Fund shall be the amount authorized by these regulations less fifty cents for each dollar received by the party in excess of \$2,500.00.

G. Prepayments in Excess of the Allowable Limits

In any instance where amounts have been prepaid from the Fund and the party for whom counsel was appointed prevails or accepts a settlement and the amount awarded or accepted exceeds \$2,500.00, the clerk will notify court-appointed counsel that the prepaid amounts are to be repaid to the District Court Fund. The clerk will send a copy of the notice to the assigned judge. On receipt of such notice counsel will promptly remit the amount in excess of the limit.

D.C.F. REG.3 PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS

A. Request for Authority to Incur Expense

For those expenses where authority to incur is required prior to incurring them, the request for authority to incur the expense shall be made by motion filed with the judge to whom the case is assigned. The motion shall set forth briefly the reason for the request and the estimated amount of the expense.

B. Request for Prepayment or Reimbursement of Expenses

Any request for the prepayment or reimbursement of expenses shall be on the voucher form approved by the Executive Committee and available on request from the clerk. The request shall be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable and, where the request is for reimbursement, that the amounts have actually been paid out. The request shall be filed with the judge to whom the case is assigned. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

C. Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney appointed under this Court's *pro bono* rules is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, he or she shall file a request for reimbursement within ninety days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the court will not allow reimbursement of expenses where the request was filed more than ninety days after the entry of the order of withdrawal.

D. Request May be Made *Ex Parte*

Any request made under sections A, B, or C of this regulation may be made *ex parte*.

E. Action by Assigned Judge and/or Chief Judge

The assigned judge or the chief judge may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

F. Processing by Clerk

On receipt of the voucher form indicating amounts approved for prepayment or reimbursement, the clerk shall check to determine whether or not any payments had previously been made out of the Fund to cover expenses in the same proceeding. If no such payments had been made, the clerk shall promptly issue the required check or checks in the amount indicated on the voucher form or the limit set by these regulations, whichever is lower. Where payments had previously been made from the Fund for expenses in the proceedings, the clerk will check to see if the amounts authorized by the current voucher together with amounts previously paid would require additional approval by the chief judge because the total exceeds the limits set by these regulations for amounts approvable by the assigned judge. Where such approval is required, the clerk shall promptly transmit the voucher to the chief judge. On receipt of the voucher from the chief judge, the clerk shall promptly issue the required check or checks in the amount indicated on the voucher form or limit set by these regulations, whichever is lower. If the chief judge disallowed any or all of the amounts requested, the clerk shall promptly transmit to the submitting attorney a copy of the voucher showing the action of the chief judge.

G. Amounts Paid From Fund To Be Reimbursed From Any Fee Award

Where a fee award is made by a judge to an appointed attorney, the attorney awarded fees shall upon receipt of the monies awarded promptly repay the Fund any amounts paid to him or her under these regulations.

D.C.F. REG.4 EXPENSES AND COSTS COVERED BY REGULATIONS

A. C.J.A. Limits To Apply In Absence Of Specific Limits

Except as specified by these regulations, the amounts and types of expenses covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act (18 U.S.C. §3006A) (See also *Guide to Judiciary Policies and Procedures*, Volume VII, Section A, Chapters 2 and 3).

B. Deposition and Transcript Costs

The costs of transcripts or depositions shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously provided for by order of court. Except as otherwise ordered by the court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel and, for depositions, the copy provided to the court pursuant to Rule 54.1 of the Local Rules of this of this Court, shall be allowed.

C. Travel Expenses

Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls, and similar expenses. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Per diem in lieu of subsistence is not allowable; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

D. Service Of Papers; Witness Fees

Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the District Court Fund.

E. Interpreter Services

Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund.

F. Costs Of Photocopies, Photographs, Telephone Toll Calls, Telegrams

Except as provided by section D of Regulation 2, actual, out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, and telegrams necessary for the preparation of a case may be prepaid or reimbursed from the District Court Fund.

G. Other Expenses

Expenses other than those described in sections B through F of this regulation may be approved by the judge to whom the case is assigned. No single expense under this section exceeding \$100 shall be reimbursed unless approval was obtained from the judge prior to the expenditure. When requesting reimbursement for any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement filed with the judge.

**POLICIES ADOPTED BY THE ADVISORY COMMITTEE
REGARDING THE REGULATIONS**

1) PAYMENT OF EXPENSES UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

Monies deposited in the District Court Fund which are to be distributed under the provisions of section I(12) of the *Plan for the Administration of the District Court Fund* may be used to pay expenses incurred in relation to functions:

- (a) where the nature of the function is primarily related to the operation of the United States District Court for the Northern District of Illinois, and
- (b) where participation in the function is not restricted to members or employees of the United States District Court for the Northern District of Illinois, and/or persons receiving reimbursement of travel expenses from the United States Courts.

2) AUTHORITY OF CUSTODIAN TO MAKE DISBURSEMENTS UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The custodian of the fund shall be authorized to make disbursements up to, but not more than \$200.00 per event for expenses for the use and benefit of the bench and bar in the administration of justice, notwithstanding the restrictions of section I, paragraph 12 of the *Plan for the Administration of the District Court Fund*. Such disbursements shall be subject to later review and approval by the full court or the District Court Fund Advisory Committee.