

**PROCEDURES FOR REIMBURSEMENT OF
RECOVERABLE EXPENSES AND COSTS TO
ATTORNEYS APPOINTED IN ACTIONS BEFORE THE
UNITED STATES COURT OF INTERNATIONAL TRADE**

The purpose of these procedures is to encourage greater representation of *pro se* litigants by attorneys admitted to practice before the United States Court of International Trade. In order to do this, the court creates a process by which an attorney appointed to represent a *pro se* litigant can obtain reimbursement for the recoverable expenses and costs of litigation in a *pro bono* action.

Section V.B.5 of the Plan for the Administration and Operation of Attorney Admission Fees Fund Account of United States Court of International Trade authorizes the use of money from that Fund Account to pay recoverable expenses and costs of court-appointed attorneys who represent indigent litigants where compensation is not otherwise available.

Neither the Plan for the Administration and Operation of Attorney Admission Fees Fund Account of the United States Court of International Trade nor these procedures are intended to create any enforceable right or entitlement to any attorney appointed to represent a *pro se* litigant for any reimbursements under these procedures. Moreover, these procedures may be discontinued, curtailed or modified by the court at any time without prior notice.

1. Eligibility for reimbursement of recoverable expenses and costs

When an attorney has been appointed to represent an indigent party in an action before this court, the appointed attorney may petition the judge to whom the action is assigned for the reimbursement of recoverable expenses and costs incurred in the preparation and presentation of that action, subject to the restrictions set forth below.

2. Recoverable expenses and costs covered by procedures

(A) Filing Fees

The filing fee for the commencement of an action in the court may be reimbursed. The fees for filing an appeal with the United States Court of Appeals for the Federal Circuit are not recoverable, and thus not eligible for reimbursement under these procedures.

(B) Transcripts of Court Proceedings

The costs of transcripts of court proceedings shall not exceed the regular rate as established by the Judicial Conference of the United States and in effect at the time any transcript is transcribed unless some other rate was previously approved by order of the court.

(C) Travel Expenses

Travel by privately owned automobile plus parking fees, tolls and similar expenses actually incurred may be claimed by the petitioning attorney. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel expenses of federal judiciary employees in accordance with existing government travel regulations.

(D) Service of Papers

Fees for service of papers that are not otherwise avoided, waived or recoverable may be reimbursed.

(E) Costs of Photocopies, Telephone Toll Calls, Postage and Courier Services

Actual out-of-pocket costs incurred for items, such as photocopying, telephone toll calls, postage and courier services, necessary for the preparation of an action may be reimbursed.

(F) Other Recoverable Expenses and Costs

Recoverable expenses and costs other than those described in Section 2(A)-(E) of these procedures may be reimbursed only upon written application, approval by the assigned judge and authorization for payment by the chief judge.

3. **Limitations of eligibility**

(A) Actions Before the Court

Only those recoverable expenses and costs associated with the preparation of an action by an attorney appointed to represent a *pro se* litigant shall be approved for reimbursement. Expenses and costs that are associated with the preparation or presentation of an appeal to the United States Court of Appeals for the Federal Circuit or the United States Supreme Court are not recoverable, and thus not eligible for reimbursement under these procedures.

(B) Maximum Recoverable Expenses and Costs

The assigned judge is authorized to recommend to the chief judge reimbursements for recoverable expenses and costs at an amount not to exceed \$750.00. Where two or more parties in the same action are represented by appointed counsel, the limits established by this section shall apply to the recoverable expenses and costs incurred on behalf of each party, provided that in no proceeding shall the

total amount paid exceed \$1500.00, regardless of the number of parties so represented.

(C) Recoverable Expenses and Costs Awarded Against Party

Under no circumstances shall any payments be authorized to pay for recoverable expenses or costs taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed by the court.

4. **Procedures for obtaining reimbursement**

(A) Request for Reimbursement

Application for the reimbursement shall be on an application that is available from the Clerk's Office. The application shall be accompanied by sufficient documentation to permit the assigned judge to determine that the application is appropriate and reasonable, and, that the recoverable expenses and costs actually were incurred. The application shall be filed with the Clerk's Office after the entry of judgment in the action. Upon receipt, the application shall be transmitted to the assigned judge for consideration. When the assigned judge determines that the application shall be granted, the assigned judge shall forward the application to the chief judge with a recommendation for payment from the Attorney Admission Fee Fund for the purpose of reimbursing the applicant.

(B) Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney appointed to represent a *pro se* is permitted to withdraw from representing the party in a proceeding and the attorney has incurred recoverable expenses and costs that may be reimbursable under these procedures, the attorney shall file an application for reimbursement within 30 days of the date of the entry of the order allowing the withdrawal.

(C) Actions by the Assigned Judge

The assigned judge may disallow reimbursement of any recoverable expense or cost based upon the absence of documentation that such expense or cost is appropriate or reasonable.

(D) Processing of Applications

On receipt of the completed application from an attorney appointed to represent a *pro se*, the assigned judge shall determine whether the amount requested on the application is appropriate under these procedures. If the application is approved by the assigned judge, the assigned judge shall forward the application with a recommendation for payment to the chief judge. The chief judge may then authorize the payment, and direct the Clerk to transmit payment to the applicant in the amount indicated by the assigned judge on the application, along with a copy of the application showing the action of the assigned judge. If the assigned judge disallows the application, the Clerk's Office shall promptly transmit to the applicant a copy of the application showing the action of the assigned judge.

(E) Amounts Paid from Fund to be Reimbursed from Any Fee Award

Where a fee award is made by a judge to an appointed attorney under any provision of law, the attorney awarded fees shall waive any reimbursement under these procedures and shall with due diligence surrender any amounts previously paid from this fund to the Clerk of the Court.