

General Order No. 98-1

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 13 1998

DAVID J. MALAND, CLERK

BY
DEPUTY *[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

**GENERAL ORDER ADOPTING PLAN FOR THE REIMBURSEMENT OF
ATTORNEY EXPENSES IN CIVIL CASES**

It is hereby ORDERED that the attached Plan for Reimbursement of Attorney Expenses in Civil Cases, having been approved by the judges of this court, is adopted for immediate implementation. The Plan shall appear as Appendix I to the Local Rules for the Eastern District of Texas.

Signed this 11th day of February, 1998.

FOR THE COURT:

Richard A. Schell

RICHARD A. SCHELL

Chief Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

PLAN FOR THE REIMBURSEMENT OF ATTORNEY EXPENSES IN CIVIL CASES

I. Overview of the Plan

It is the policy of this court to encourage members of the bar to represent parties who cannot afford counsel. To further this policy, the court adopts this Plan for Reimbursement of Attorney Expenses in Civil Cases (“Plan”).

When an attorney has been appointed to represent an indigent party in a civil matter, that attorney will be allowed to petition the court for reimbursement of certain expenses. Expenses, as defined in this policy statement, must be incurred in the preparation and presentation of the case. The total amount that may be reimbursed for all expenses shall not exceed \$500. Funding for this program shall be obtained from this court’s non-appropriated fund.

II. Restrictions

1. Any costs that are either waived or recoverable under the provisions of Title 18, U.S.C. or Title 28, U.S.C. or which have been recovered under any other plan of reimbursement shall not be reimbursed from the non-appropriated fund.
2. In no case shall an appointed attorney for a party who has been awarded costs and/or fees pursuant to a judgment in a suit before this court be eligible for reimbursement of costs and/or fees from the non-appropriated fund.
3. Only those costs associated with the preparation or presentation of a civil action in the United States District Court for the Eastern District of Texas shall be approved for reimbursement. No costs associated with the preparation or presentation of an

appeal to the United States Court of Appeals or the United States Supreme Court shall be reimbursed from the non-appropriated fund.

III. Procedure for Requesting Reimbursement

All requests for reimbursement of expenses in civil cases must be filed within thirty (30) days of the entry of judgment. No interim payments shall be made.

The appointed attorney shall file with the clerk a request for reimbursement of expenses. This request shall be filed using the attached form, which will be made available from the clerk's office. The clerk will forward any request for reimbursement initially to the judge to whom the case was assigned. Upon approval of the judge, the clerk, as custodian of the non-appropriated fund, will arrange for payment of the appointed attorney.

If an appointed attorney has withdrawn or has been dismissed prior to the entry of judgment, that attorney shall file a request for reimbursement within thirty (30) days of withdrawal or dismissal. Any work product or services for which reimbursement is requested from the non-appropriated fund shall subsequently be provided to newly appointed counsel or if no new counsel is appointed, to the party.

IV. Allowable Expenses

1. Depositions and Transcripts. Appointed counsel may order transcripts or depositions necessary in the preparation of the case. The cost of such transcripts shall not exceed the page rate for ordinary copy established in the Eastern District of Texas. Only the cost of one original of any transcript shall be allowed; the cost of additional copies shall not be reimbursed. In the interest of efficiency and cost-effectiveness, appointed attorneys are encouraged to use audio tapes for depositions. If audio tape depositions are used, transcription of the depositions may be reimbursed at the ordinary page rate established in the Eastern District of Texas.

2. Investigative or Expert Services. Counsel may request investigative or expert services necessary for the adequate preparation of a matter. Such services must have prior court approval by the judge to whom the case is assigned to be approved for reimbursement by the non-appropriated fund.
3. Travel Expenses. Travel by privately owned car may be claimed at the current mileage rate authorized for federal employees. In addition, out-of-pocket expenses for parking may also be reimbursed.
4. Fees for Service of Process. Fees for service of papers and the appearance of witnesses not otherwise voided, waived or recovered may be reimbursed.
5. Interpreter Services. Costs of interpreter services not otherwise voided, waived or recoverable may be reimbursed.
6. Photocopying, Telephone Calls, etc. Actual out-of-pocket expenses incurred for such items as photocopying, photographs used in the case, toll calls, and the like may be reimbursed. Such expenses must be incurred out of the attorney's normal office and must be unavoidable in preparation of the case.

V. Non-Allowable Expenses

1. General office expenses, including office overhead, payroll costs, equipment depreciation, basic telephone service, and the like shall not be reimbursable under this Plan.
2. Any expense not properly documented with receipts or other proof may be disallowed by the district or magistrate judge assigned to the case or the non-appropriated fund custodian.

3. Expenses that may be statutorily recovered or costs or fees taxed against a party or appointed counsel shall not be reimbursed by this Plan.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
_____ DIVISION

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CLAIM FOR REIMBURSEMENT OF ATTORNEY EXPENSES

Pursuant to the Plan for Reimbursement of Attorney Expenses in civil cases, I was appointed by the Honorable _____ on _____ to represent _____ in the above captioned case. Final judgment was entered on _____ or I withdrew/was dismissed from the case prior to entry of a judgment on _____. (Strike out inapplicable wording.)

Under the provisions of the Plan, I request reimbursement for the following expenses:

	<u>Expense</u>	<u>Amount</u>
a.	Depositions and Transcripts	\$ _____
b.	Investigative or Expert Services (prior court approval was granted on _____).	\$ _____
c.	Travel Expenses:	
	Mileage _____ at _____ per mile	\$ _____
	Parking	\$ _____
d.	Fees for Service of Process	\$ _____

e.	Interpreter Services	\$ _____
f.	Other:	
	Photocopying	\$ _____
	Photographs	\$ _____
	Telephone Toll Calls	\$ _____
	_____	\$ _____
	_____	\$ _____
TOTAL AMOUNT CLAIMED		\$ _____

I certify that the above expenses were incurred in the preparation and presentation of this case; that these expenses do not include any costs either waived or recoverable under the provisions of Title 18 or Title 28 of the U.S. Code, or which have been recovered under any other plan; and no costs and/or fees were awarded pursuant to a judgment before this court.

Receipts for the above expenses are attached in support of my claim for reimbursement.

ATTORNEY

DATE

The above claim for reimbursement of attorney expenses in a civil case is APPROVED in the amount of \$ _____ /DENIED.

UNITED STATES DISTRICT JUDGE

DATE