

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

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

A. ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES

1. As a condition of the Court recruiting an attorney to represent an indigent party in a civil action in the United States District Court for the Eastern District of Wisconsin, the Court may require the party to reimburse the District Court Fund out of any proceeds received (1) in settlement of his/her claim or claims, or (2) upon prevailing other than by settlement of his/her claim or claims, for any expenses and/or costs that are paid from the Fund in accordance with these regulations.
2. When an attorney has been recruited by the Court to represent an indigent party in a civil action in the United States District Court for the Eastern District of Wisconsin, that attorney may petition the Court for the reimbursement of necessary expenses incurred in connection with the representation, subject to the restrictions of these regulations and the availability of funds. Reimbursement of expenses shall be paid directly to the attorney or the attorney's firm. The Court will not authorize payments to third-party vendors.

B. LIMITATIONS ON ELIGIBILITY

1. **Limited to Civil Actions before the District Court.** Only those expenses associated with the representation of a party in a civil action in the United States District Court for the Eastern District of Wisconsin 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 unless otherwise approved by the Advisory Committee for the Administration of the Fund and the chief judge upon prior application by the recruited attorney.
2. **Not Applicable If Criminal Justice Act Funds Are Available.** In any proceeding where expenses are covered by the Criminal Justice Act (C.J.A.), 18 U.S.C. § 3006A, they shall be paid from such funds in accordance with C.J.A. guidelines and not from the Fund.

3. **Limit on Total Expenses Covered by the Fund.** The judge to whom the case is assigned is authorized to approve reimbursements for investigative, expert, and other services necessary for adequate representation (see Section D for specifics) totaling a maximum of \$6,000.00. When two or more parties in the same civil proceeding are represented by pro bono counsel recruited by the Court, the limits established in this section shall apply to the costs incurred on behalf of a party.

C. PROCEDURES FOR OBTAINING REIMBURSEMENTS

1. **Request for Reimbursement of Expenses.** Any application for the reimbursement of expenses shall be on the “Request for Reimbursement of Expenses” form approved by the Advisory Committee and available on request from the clerk’s office or on the Court’s website (www.wied.uscourts.gov/pro-bono-program). The request must be accompanied by sufficient documentation to permit the Court to determine that the amount requested is both: (1) appropriate and reasonable; and (2) has actually been paid out. The request shall be filed on the docket under seal. Requests may be made at any time during the pendency of the proceedings and up to 60 days following the entry of judgment in the proceedings. The assigned judge may extend the time for filing a request on a showing of good cause.
2. **Requests for Reimbursement by Attorney No Longer Representing Party.** When an attorney recruited under this Court’s Pro Bono Plan 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 60 days of the date of the entry of the order allowing the withdrawal. The assigned judge may extend the time for filing a request on a showing of good cause.
3. **Request Shall Be Made Under Seal.** Any request for reimbursement shall be filed on the docket under seal.
4. **No Vested Right to Reimbursement.** Recognizing the pro bono nature of the representation, there shall be no vested right to reimbursement and the availability of funds may limit such payments.
5. **Processing by Clerk.** If prior payments have been made from the Fund in the same proceeding, the clerk of court shall confirm that the amount authorized by the current voucher, together with previously paid amounts,

does not exceed the limit set by these regulations. If the authorized amount, together with previously paid amounts, does not exceed the limit set by these regulations, the clerk of court shall issue the required check or checks in the amount indicated on the voucher, not to exceed the limit set by these regulations.

6. **Attorney Obligation to Pursue Taxation of Costs.** Absent exceptional circumstances, wherever taxation of costs is permitted, the recruited attorney shall apply for such costs and pursue collection of same.
7. **Amounts Paid from the Fund to Be Reimbursed from Any Fee Award.** When a fee and costs award is made by a judge to a recruited attorney, the attorney awarded fees and costs shall, upon receipt of the monies awarded, promptly repay the Fund any amounts paid to him or her under these regulations.
8. **Reimbursement Where Party Accepts Settlement.** In any instance in which a party for whom counsel has been recruited for full representation accepts a settlement, the Court may order any amounts that have been paid from the Fund repaid to the Fund out of the proceeds received by the party.
9. **Reimbursement Where Party Has Prevailed Other Than by Settlement.** In any instance in which a party for whom counsel has been recruited for full representation prevails other than by a settlement, the Court may order any amounts that have been paid from the Fund repaid to the Fund out of the proceeds received by the party.
10. **Attorney Fees Not Precluded.** Nothing in these regulations shall be construed to preclude an attorney who is recruited for full representation from seeking a fee for his/her work performed in connection with such representation where recovery is authorized by applicable statute, regulation, rule, or other provision of law, including case law.

D. EXPENSES AND COSTS ALLOWED BY REGULATIONS

1. **Criminal Justice Act 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 II and III).
2. **Deposition and Transcript Costs.** 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, shall be allowed.
3. **Travel Expenses.** Travel within Wisconsin 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 allowed; 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.
4. **Service of Papers; Witness Fees.** Those fees for service of papers and the appearances of witnesses which are not otherwise avoided, waived or recoverable may be reimbursed from the Fund.
5. **Interpreter Services.** Costs of interpreter services not otherwise avoided, waived or recoverable may be reimbursed from the Fund at the current government rate.
6. **Costs of Photocopies, Photographs, Telephone Toll Calls, Faxes.** Actual out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, and faxes necessary for the preparation of a case may be reimbursed from the Fund.
7. **Expert Witness.** Costs for an expert witness may be reimbursed from the Fund.

8. **Other Expenses.** Only expenses listed in subsections 1-7 of Section D are eligible for reimbursement without prior approval obtained from the assigned judge.

E. RESTRICTIONS ON REIMBURSEMENTS

1. **General Office Expenses.** General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, and any general expenses that normally would be reflected in the fee charged to a client are not reimbursable from the Fund.
2. **Computer-Assisted Legal Research/Printing.** Costs incurred with computer-assisted legal research (*e.g.*, Westlaw) are not reimbursable from the Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable from the Fund.
3. **Costs/Fees Obtained by Adverse 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 recruited pursuant to the rules of this Court.
4. **Responsibility to Seek Costs/Fees.** The assigned judge may disallow reimbursement of expenses if he or she determines that recruited counsel did not pursue reasonable courses of recovery of expenses, including seeking statutorily permitted costs and fees, prior to application for reimbursement from the Fund.
5. **Lack of Documentation.** The assigned judge may refuse to permit reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or that an expense for which reimbursement is requested was actually incurred.