

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

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

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**A. ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES**

1. Before the Court will recruit an attorney to represent an indigent party in a civil action in the United States District Court for the Eastern District of Wisconsin, the indigent party must first agree in writing to reimburse the District Court Pro Bono 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 which are either prepaid from the District Court Pro Bono Fund or incurred by the indigent party's recruited attorney in accordance with these regulations. This reimbursement requirement applies only to recruitments for full representation; it does not apply to recruitments for limited representation, such as mediation.
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 prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations and the availability of funds. Prepayments and 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 preparation of a civil action in the United States District Court for the Eastern District of Wisconsin shall be approved for reimbursement or prepayment. 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 District Court Pro Bono 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 District Court Pro Bono Fund.
3. **Limit on Total Expenses Covered by Fund.** The judge to whom the case is assigned is authorized to approve prepayments or reimbursements for investigative, expert, and other services necessary for adequate representation (see Section D for specifics) totaling a maximum of \$5,000.00. Any single expenditure of \$1,000.00 or more requires preapproval by the judge to whom the case is assigned. In no event shall more than \$5,000.00 in such expenses be paid for a party in any proceeding. 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, provided that in no proceeding shall the total amount paid from the Fund exceed \$10,000.00, regardless of the number of parties so represented.

**C. PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS**

1. **Request for Authority to Incur Expense.** For expenses which require judicial approval prior to incurring them, the request for authority to incur the expense must be made by motion filed with the judge to whom the case is assigned. The motion must set forth briefly the nature of the request, the reason for the request and the estimated amount of the expense. Counsel also must submit a completed “Request for Prepayment or Reimbursement of Expenses” form.
2. **Request for Prepayment or Reimbursement of Expenses.** Any application for the prepayment or reimbursement of expenses shall be on the “Request for Prepayment or Reimbursement of Expenses” form approved by the Advisory Committee and available on request from the clerk of the court or on the Court’s website ([www.wied.uscourts.gov/pro-bono-program](http://www.wied.uscourts.gov/pro-bono-program)). The request must 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 actually have been paid out. The request shall be filed *ex parte* 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 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.

3. **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. Except for good cause shown, the Court will not allow reimbursement of expenses where the request is filed more than 60 days after the entry of the order of withdrawal.
4. **Request Shall Be Made *Ex Parte*.** Any request made under C1, C2 and/or C3 of this section setting forth procedures for obtaining prepayments or reimbursements shall be made *ex parte*.
5. **No Vested Right to Reimbursement or Prepayment.** Recognizing the pro bono nature of the representation, there shall be no vested right to prepayment or reimbursement and the availability of funds may limit such payments.
6. **Processing by Clerk.** If prior payments have been made from the District Court Pro Bono Fund in the same proceeding, the clerk 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 shall issue the required check or checks in the amount indicated on the voucher, not to exceed the limit set by these regulations.
7. **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.
8. **Amounts Paid from 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 District Court Pro Bono Fund any amounts paid to him or her under these regulations.

9. **Reimbursement of Prepaid Amounts Where Party Accepts Settlement.** In any instance in which a party for whom counsel has been recruited for full representation accepts a settlement, any amounts which have been prepaid from the District Court Pro Bono Fund shall be repaid in their entirety to the Pro Bono Fund out of the proceeds received by the party, unless otherwise ordered by the judge to whom the case is assigned.
10. **Reimbursement of Incurred Amounts Where Party Accepts Settlement.** In any instance in which a party for whom counsel has been recruited for full representation accepts a settlement, and no provision is made in the settlement terms to cover the expenses incurred by court-recruited counsel (i.e., not prepaid to counsel) that would otherwise be covered by these regulations, reimbursement of such expenses shall not be authorized by the judge to whom the case is assigned, except upon a showing of good cause for the absence in the settlement terms of a provision to recover such expenses.
11. **Reimbursement of Prepaid Amounts 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, any amounts which either have been prepaid from the District Court Pro Bono Fund or incurred by the indigent party's attorney in accordance with these regulations, shall be repaid in their entirety to the Pro Bono Fund out of the proceeds received by the party, unless such amounts are awarded as taxable costs against the losing party or parties or unless ordered otherwise by the judge to whom the case is assigned.
12. **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 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 District Court Pro Bono Fund.
5. **Interpreter Services.** Costs of interpreter services not otherwise avoided, waived or recoverable may be reimbursed from the District Court Pro Bono 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 prepaid or reimbursed from the District Court Pro Bono Fund.
7. **Expert Witness.** Costs for an expert witness up to \$1,000 may be prepaid or reimbursed without preapproval of the assigned judge. Costs that exceed \$1,000 will be prepaid or reimbursed only with prior approval of the assigned judge.
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 PREPAYMENTS OR 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 District Court Pro Bono 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 District Court Pro Bono 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 prepayment or 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.