

U.S. DIST. COURT
EAST DIST. WISC.
FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

'88 FEB 18 P3:33

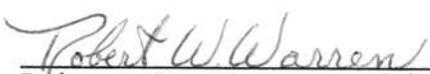
ORDER

BY: RON D. NEDOLSKY, CLERK
MAIL-REC'D

IT IS ORDERED that attorneys appointed to represent indigent litigants in civil cases in this federal district court may apply for reimbursement for expenses incurred in such cases pending before this Court.

IT IS FURTHER ORDERED that reimbursement shall be structured in accordance with the "Regulations Governing The Prepayment And Reimbursement Of Expenses In Pro Bono Cases" attached and made a part of this Order.

Dated this 9th day of ^{February} ~~December~~, 1988.

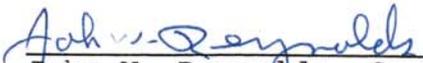

Robert W. Warren, Chief Judge


Terence T. Evans


Thomas J. Curran


Joseph P. Stadtmueller


Myron L. Gordon, Senior Judge


John W. Reynolds, Senior Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

REGULATIONS GOVERNING THE PREPAYMENT AND
REIMBURSEMENT OF EXPENSES IN PRO BONO CASES

1. ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES

When an attorney has been appointed to represent an indigent party in a civil action 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 and availability of funds.

* * * * *

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.

b. Limit On Total Expenses Covered By Fund

The judge to whom the case is assigned is authorized to approve prepayments or reimbursements totalling \$3,500.

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 Eastern District of Wisconsin 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.

d. 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.

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3. PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS

a. Request For Prepayment Or Reimbursement of Expenses

Any request for the prepayment or reimbursement of expenses shall be on the voucher 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 Clerk and transmitted to the judge to whom the case is assigned. Requests may be made at any time during the pendency of the proceedings and up to sixty days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

b. 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 reimburseable under these regulations, he or she shall file a request for reimbursement within sixty 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 sixty days after the entry of the order of withdrawal.

c. Exceptional Cases

The Court recognizes that there may be cases of such an exceptional nature that the costs will substantially exceed the limit of \$3,500. If, after review of the case and before the expenses are incurred, it is the opinion of the appointed attorney that the case is of such a nature that costs will substantially exceed \$3,500, the attorney may apply to the judge to whom the case is assigned for payment from the fund of costs in excess of \$3,500. If the request is approved by the Court, payment may be made from time to time upon proof that the costs have been incurred or in accordance with other of these regulations. In approving, in advance, payment of costs in excess of \$3,500, the Court may set a maximum amount for payment.

d. Processing By The Clerk

The prepayment or reimbursement of expenses shall be determined by order of the Court. Recognizing the pro bono nature of the appointment, there shall be no vested right to prepayment or reimbursement and the availability of funds may limit such payments. The attorney shall submit the voucher form to the Clerk of Court for review, processing and forwarding to the Bar Foundation for payment.

e. Attorney Obligation To Pursue Taxation Of Costs

Absent exceptional circumstances, wherever taxation of costs is permitted, the attorney shall apply therefore and pursue collection of same.

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

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

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4. EXPENSES AND COSTS COVERED BY REGULATIONS

a. 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.

b. 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.

c. 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.

d. Interpreter Services

Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed.

e. Costs of Photocopies, Photographs, etc.

Actual, out-of-pocket expenses incurred for items such as photocopying services, photographs, enlargements, graphic materials, telephone toll calls, and telegrams necessary for the preparation of a case may be prepaid or reimbursed.

f. Other Expenses

Only the previously listed expenses are eligible for reimbursement without prior approval obtained from assigned judge.