UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

APPENDIX E

THE DISTRICT COURT FUND

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

These Regulations were initially promulgated by the Court pursuant to the general order of June 27, 1985. They were amended by the general orders of November 1, 1990 and April 1, 1991. The Advisory Group added policies used in interpreting the Regulations. The policies were initially adopted on May 7, 1986 and amended in September 1992, January 12, 2001, January 26, 2016, January 14, 2019, May 19, 2022, and July 1, 2026. A copy of the policies is appended to the Regulations.

NOTE: Only counsel assigned by the court pursuant to Local Rule 83.36 and for limited purposes (See D.C.F REG 4E) those recruited under one of the Court's approved pro bono programs (i.e. Settlement Assistance Program, EAR Hearings, and Hibbler Help desk) are eligible 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.

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REGULATIONS GOVERNING THE PREPAYMENT & REIMBURSEMENT OF EXPENSES OF COURT ASSIGNED COUNSEL IN PRO BONO CASES FROM THE DISTRICT COURT FUND

D.C.F. REG.1 ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES

When a trial bar attorney has been assigned pursuant to LR83.36, to represent an indigent party in a civil proceeding before this Court, that attorney shall be allowed to petition the Court for the prepayment or reimbursement of expense incurred in the preparation and presentation of the proceeding as set forth in these regulations.

D.C.F. REG.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 and not from the District Court Fund.

Where two or more parties in the same proceeding represented by counsel assigned pursuant to Local Rule 83.36, the limits established by this section shall apply to the costs incurred on behalf of each party.

B. 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 Northern District of Illinois 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 from the District Court Fund unless otherwise approved by the Executive Committee of the District Court upon prior application by the assigned attorney.

C. Expenses not Covered

General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, are not reimbursable from the District Court Fund. Any costs incurred in conducting computer assisted legal research is not reimbursable from the Fund. The expense of printing briefs, regardless of the printing method utilized, is not reimbursable.

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 assigned pursuant to the rules of this Court.

D. Reimbursement and Prepayment Where Party is Awarded or Receives More than $50,000

Where the amount awarded to or accepted by the party is more than $50,000.00 and no provision is made to cover the expenses incurred by assigned counsel that would otherwise be covered by these regulations, prepayments and reimbursements may be authorized within limits of these regulations, but the total amount to be paid from the Fund shall not exceed of $5,000.00.

D.1. Payments when Litigant Recovers More than $50,000

In any instance where the party for whom counsel was assigned prevails or accepts a settlement in an amount that exceeds $50,000, recovery of expenses under these regulations, other than for interpreter fees, is limited to $5,000. If funds have been prepaid, counsel must promptly notify the Clerk of the Court of the award in excess of $50,000 and remit prepaid expenses that exceed $5,000.

D.C.F. REG.3 PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS

A. Request for Authority to Incur Expenses

Where approval is required prior to incurring expenses, the request for authority to incur the expense shall be made by motion submitted to the judge to whom the case is assigned. The motion shall set forth briefly the reason for the request and the estimated amount of the expense. The approval for the requested expense must follow the same procedures as D.C.F. Reg. 2.B.

B. Request for Prepayment or Reimbursement of Expenses

Any request for the prepayment or reimbursement of expenses shall be on the voucher form approved by the Executive Committee and available on the Court's website. 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 submitted to the Clerk of the Court and not filed through the CM/ECF system. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

C. Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney assigned 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 reimbursable under these regulations, he or she shall file a request for reimbursement within thirty 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 thirty days after the entry of the order of withdrawal.

D. Request May be Made *Ex Parte*

Any request made under sections A, B, or C of this regulation may be made *ex parte*.

E. Processing by Clerk

On receipt of the voucher form indicating amounts requested for prepayment or reimbursement, the clerk shall determine whether or not any payments have previously been made out of the Fund to cover expenses in the same proceeding. The clerk shall indicate the available reimbursement on the voucher and forward it to the presiding judge for approval and signature. Should the voucher exceed $2,500.00, the clerk will forward it to the Chief District Judge for approval and signature. On receipt of the voucher from appropriate authority, the clerk shall promptly issue the required check in the amount indicated on the voucher form or up to the limit set by these regulations, whichever is lower. If any or all of the amounts requested are disallowed, the clerk shall promptly transmit to the submitting attorney a copy of the voucher showing the action of the appropriate authority.

F. Amounts Paid From Fund to be Reimbursed From Any Fee Award

Where an opposing party is ordered to pay fees and costs to an assigned 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.

G. Approvals Required for Reimbursement

The judge to whom the case is assigned is authorized to approve prepayments or reimbursements totaling $2,500.00, not including expenses related to hiring an interpreter. If the total of the prepayments or reimbursements requested and those already allowed exceed $2,500.00, not including expenses related to hiring an interpreter, the judge shall forward the request to the Chief District Judge. The Chief District Judge may approve expenses up to $5,000.00, not including expenses related to hiring an interpreter.

If the assignment involves difficult or complex matters, the assigned attorney may petition the Executive Committee of the District Court to approve additional expenses. Prior to incurring expenses over $5,000.00, the assigned attorney must first submit a written request to the assigned judge seeking preapproval and documenting the need for additional reimbursement. The written request must include the estimated additional expenses for which the assigned attorney will seek reimbursement in order to complete the matter. Upon approval, the assigned judge will forward the request to the chief judge for consideration. With the approval of the Chief District Judge, the request will be forwarded to the Executive Committee for review and approval.

The assigned judge, the Chief District Judge, or the Executive Committee may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

D.C.F. REG.4 EXPENSES AND COSTS COVERED BY REGULATIONS

A. C.J.A. 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*, Volume VII, Part A, Chapters 2 and 3).

B. Deposition and Transcript Costs

The costs of transcripts or depositions shall not exceed the regular copy rates established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously provided for by order of the Court. 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 and, for deposition, the copy provided to the Court pursuant to Rule 54.1 of the Local Rules of this Court shall be allowed. The current court reporter appearance fees and transcript rates are available on the Court's website.

C. 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. The current rates are available on the Court's website.

D. 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 from the District Court Fund.

E. Interpreter Services

Reasonable costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund to persons who have accepted Pro Bono recruitment assignments. This includes not only recruitment of attorneys to represent individuals for litigation purposes, but also, without limitation, attorney participation in the Settlement Assistance Program, EAR Hearings, Hibbler Help Desk, or any future Pro Bono program the court may develop. The fees/rates are subject to a reasonableness standard and may not exceed the hourly rate established by the Criminal Justice Act. The current Criminal Justice Act approved interpreting rates, along with a contact list of certified interpreters, is available on the Court's website. Reasonable costs up to $1,000.00 will be reimbursed by the Fund without prior approval. Prior to exceeding the $1,000.00 limit for interpreting services, the assigned attorney must seek the approval of the judge to whom the

case is assigned. The written request to exceed the $1,000.00 limit must include the estimated additional interpreting expense. The judge to whom the case is assigned may approve interpreting expenses as necessary in order to proceed with the case.

F. Costs of Photocopies, Photographs, Telephone Toll Calls, Telegrams

Actual, out-of-pocket expenses incurred for items such as photocopying services, photographs, and telephone calls necessary for the preparation of a case may be prepaid or reimbursed from the District Court Fund, subject to the limitations set forth in Section C of Regulation 2.

G. Experts

Reasonable costs for expert services, other than interpreters, not otherwise avoided, waived, or recoverable, may be reimbursed from the District Court Fund up to $2,000.00 without prior approval. Prior to exceeding costs of $2,000.00 or expert services, the assigned attorney must seek the approval of the judge to whom the case is assigned. The written request to exceed $2,000.00 for expert services must include the estimated additional expert services expense. Approval for the additional expense may be obtained through the procedures set forth in Regulation 3.

H. Other Expenses

Expenses other than those described in sections B through G of this regulation may be approved by the judge to whom the case is assigned. No single expense under this section exceeding $500.00 shall be reimbursed unless approval was obtained from the judge prior to the expenditure. When requesting reimbursement for any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement submitted to the judge.

POLICIES ADOPTED BY THE ADVISORY COMMITTEE REGARDING THE REGULATIONS

1) PAYMENT OF EXPENSES UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

Monies deposited in the District Court Fund which are to be distributed under the provisions of section J of the *Plan for the Administration of the District Court Fund* may be used to pay expenses incurred in relation to functions.

(a) where the nature of the function is primarily related to the operation of the United States District Court for the Northern District of Illinois, and

(b) where participation in the function is not restricted to member or employees of the United States District Court for the Northern District of Illinois, and/or persons receiving reimbursement of travel expense from the United States Courts.

2) AUTHORITY OF CUSTODIAN TO MAKE DISBURSEMENTS UNDER THE PROVISIONS OF SECTION I(12) OF THE PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

The custodian of the fund shall be authorized to make disbursements up to, but not more than $1,000.00 per event for expenses for the use and benefit of the bench and bar in the administration of justice, notwithstanding the restrictions of section J of the *Plan for the Administration of the District Court Fund*. Such disbursements shall be subject to later approval by the full court or the District Court Fund Advisory Committee.