U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
OCT - 8 1997
NANCY DOHERTY, CLERK
By Deputy

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

MISCELLANEOUS ORDER NO. 16

EFFECTIVE November 1, 1997, the fee to be charged by the Clerk for admission to practice before the Court in the Northern District of Texas shall be the amount set by the Judicial Conference of the United States (currently $50.00) along with an additional $25.00 to be deposited to the account of the Non-Appropriated Fund of this Court.

IT IS FURTHER ORDERED that the Clerk notify the bar associations in each of the divisions in the Northern District of Texas of the adoption of the revised attorney admissions fee.

IT IS FURTHER ORDERED that subsection II of the Plan for the Administration of the Non-Appropriated Fund for the Northern District of Texas dated April 27, 1993, be amended to read as follows:

II. Financial Guidelines

A. Receipt of Funds

Each divisional office within the Northern District of Texas shall collect a fee for each attorney admission in the amount prescribed by the Judicial Conference, plus a $25.00 district fee. Upon receipt, the financial deputy shall place $25.00 of the fee in Fund 6855XX (Non-Appropriated Fund). At the end of each month, a receipt for total monies accumulated therein shall be posted to the Dallas Division.

The Dallas Division shall deposit all divisional Fund 6855XX monies to the consolidated attorney admission fund and, each month, shall disburse one check to the Custodian for the total collections received by all divisional offices. Funds held by the Custodian must be segregated from all other monies in the custody of the Court, including other non-appropriated funds.

IT IS FURTHER ORDERED that a plan for reimbursement of expenses incurred by attorneys appointed in civil cases be adopted and funded by non-appropriated funds accumulated pursuant to the Plan for the Administration of the Non-Appropriated Fund for the Northern District of Texas. The judges of the Northern District of Texas have considered and adopted the attached Plan for Reimbursement of Attorney Expenses in Civil Cases ("Plan"). The Plan will be effective as of the date of this Order and will apply to all cases pending as of this date.

IT IS FURTHER ORDERED that the Clerk of Court file a certified copy of this Order and attached Plan in each divisional office.

SO ORDERED.

DATED: October 8, 1997

Jerry Buchmeyer

JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

PLAN FOR THE REIMBURSEMENT OF ATTORNEY EXPENSES IN CIVIL CASES

I. Overview of the Program

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, which shall be 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 $400. The Non-Appropriated Committee shall, however, have the authority to grant exceptions to the maximum amount to be reimbursed. 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 Northern District of Texas 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 Non-Appropriated Fund.

III. Procedure for Requesting Reimbursement

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

The appointed attorney shall file with the Clerk's Office a request for reimbursement of expenses. This request shall be filed on a form approved by this Plan and available from the Clerk's Office. The clerk will then forward the request for reimbursement initially to the judge to whom the case was assigned. Upon approval of the judge, the clerk will forward the request to the Non-Appropriated Fund Committee for final approval.

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 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

Appointed attorneys may request reimbursement under this Plan for the following 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 Northern 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 Northern 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 Committee.

   Approval for investigative or expert services is not automatic. Therefore, attorneys should be prepared to explain why the services are necessary.

3. Travel Expenses

   Travel by privately owned car for trips in excess of thirty miles (each way) 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

The following expenses shall not be reimbursed under this Plan:

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 judge or the Non-Appropriated Fund Committee.

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
NORTHERN DISTRICT OF TEXAS
_____ DIVISION

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)	
)	CIVIL ACTION NO.
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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:

	Expense	Amount
a.	Depositions and Transcripts	$ _____
b.	Investigative or Expert Services (prior court approval was granted on _____)	$ _____
c.	Travel Expenses:	
	Mileage _____ @ ____¢ per mile	$ _____
	Parking	$ _____
d.	Fees for Service of Process	$ _____
e.	Interpreter Services	$ _____
f.	Other:	
	Photocopying	$ _____
	Photographs	$ _____
	Telephone Toll Calls	$ _____
	_____	$ _____
	_____	$ _____

TOTAL AMOUNT CLAIMED $ _____

I certify 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, U. S. C. or Title 28, U. S. C., 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 is APPROVED in the amount of $_____ /DENIED.

_____
United States District Judge

_____
Date

Payment ____ APPROVED ____ DENIED

_____
Chairman,
Non-Appropriated Fund Committee

_____
Date