

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

**REGULATIONS GOVERNING THE DISBURSEMENT OF FUNDS  
FROM THE NON-APPROPRIATED FUND FOR  
ATTORNEY'S FEES AND OUT-OF-POCKET EXPENSES INCURRED BY  
ATTORNEYS APPOINTED TO REPRESENT INDIGENT PARTIES IN  
CIVIL PROCEEDINGS PURSUANT TO 28 U.S.C. §1915(e)**

**A. Eligibility for Reimbursement of Fees and Expenses**

When an attorney has been appointed to represent an indigent party in a civil proceeding before this court pursuant to 28 U.S.C. §1915(e), that attorney may petition the court for compensation of fees and reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

**B. Limitations**

1. *Not Applicable if Criminal Justice Act Funds are Available*

In any proceeding in which expenses and fees are covered by the Criminal Justice Act, 18 U.S.C. §3006A, they shall be paid from such funds in accordance with CJA guidelines and not from the non-appropriated fund.

2. *Limit on Total Expenses Covered by the Fund*

The judge to whom the case is assigned is authorized to approve compensation of fees and reimbursement of expenses not to exceed two thousand five hundred dollars (\$2,500). If the total of the reimbursement requested and that already allowed exceeds two thousand five hundred dollars (\$2,500), the judge shall forward the request to the chairperson of the non-appropriated fund committee together with a recommendation. The chairperson shall present the recommendation to the non-appropriated fund committee for consideration. Reimbursement in excess of two thousand

five hundred dollars (\$2,500) must be approved by a majority of the committee. Reimbursement in excess of five thousand dollars (\$5,000) must be approved by a majority quorum of district judges.

3. *Limited to Civil Actions Before the District Court*

Only those fees and expenses associated with the preparation and trial of a civil action in United States District Court for the Eastern District of Missouri shall be approved for reimbursement. No Fees or 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 from the non-appropriated fund.

4. *Overhead Costs and Costs of Printing Briefs Not Covered*

General office expenses, including personnel costs, rent, telephone services, secretarial help and other overhead-type expenses are not reimbursable from the non-appropriated fund. The expense of printing briefs, regardless of the printing method utilized is not reimbursable from the non-appropriated fund.

5. *Not Available to Pay Costs Awarded Against Party*

Under no circumstances shall any payments be authorized from the non-appropriated 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.

**C. Procedures for Obtaining Reimbursement**

1. *Application for Reimbursement of Fees and Expenses*

Any application for the reimbursement of fees and expenses shall be on the Request for Compensation of Services and Reimbursement of Out-of-Pocket Expenses form approved by the non-appropriated fund committee and available on request from Clerk of the Court. The request

shall be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable and that the amounts for expenses were actually paid out and the time for fees was actually spent. The request shall be filed with the judge to whom the case is assigned. A request may be made at any time during the pendency of the proceedings and up to sixty (60) days following entry of judgement in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

2. *Application for Reimbursement for Attorney No Longer Representing Party*

When an attorney appointed is permitted to withdraw from representing the party in a proceeding and the attorney has incurred fees and expenses which may be reimbursable under these regulations, said attorney shall file a request for reimbursement within sixty (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 fees and expenses where the request is filed more than sixty (60) days after the entry of the order of withdrawal.

3. *Requests May be Made Ex Parte*

Any request made under these regulations may be made *ex parte*.

4. *Action by Assigned Judge and/or Non-Appropriated Fund Committee*

The assigned judge or the non-appropriated fund committee may refuse to permit reimbursement of any fee or expense that lacks documentation that such fee or expense is appropriate and reasonable or lacks evidence of time actually spent or payment actually made.

5. *Processing by the Clerk*

On receipt of the court order indicating amounts approved for reimbursement, the Clerk shall determine whether or not any payments have previously been made from the non-appropriated fund to cover fees or expenses in the same proceeding. If no such payments have been made, the Clerk

shall promptly issue the required check or checks in the amount(s) indicated in the order. Where reimbursements have previously been made from the non-appropriated fund for fees or expenses in the same proceeding, the Clerk shall determine whether the amounts authorized by the current application together with amounts previously paid would require additional approval by the non-appropriated fund committee or by a majority of a quorum of the district judges because the total exceeds the limit set by the regulations.

Where such approval is required, the Clerk shall promptly forward the application to the assigned judge or the non-appropriated fund committee for consideration.

6. *Amounts from the Fund to be Reimbursed from Any Fee Award*

Where a fee award is made to an appointed attorney, either by the court or pursuant to a settlement agreement, the attorney awarded fees shall upon receipt thereof, promptly repay the non-appropriated fund any amounts paid to said attorney under these regulations.

**D. Expenses Covered**

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.

2. *Deposition and Transcript Costs*

The costs of transcripts or depositions shall not exceed the regular copy rate 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 approved by order of 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 will be authorized.

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. Travel other than by privately owned automobile may be claimed on an actual expense basis and must be approved **prior** to the travel by the judge to whom the case is assigned.

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 appearance of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the non-appropriated fund.

5. *Interpreter Services*

Costs of interpreter services not otherwise avoided, waived or recoverable may be reimbursed from the non-appropriated fund.

6. *Cost of Photocopies, Photographs, Telephone Toll Calls, Telegrams*

Actual out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone toll calls, and telegrams necessary for the preparation of a case may be reimbursed from the non-appropriated fund.

7. *Computer Assisted Research*

Expenses related to computer assisted legal research must be accompanied by receipts that show the method of billing and the total time spent using the computerized system. In addition, a statement of the issues researched and an estimate of the amount of time necessary to do the research manually must also be included.

8. *Other Expenses*

Expenses other than those described in sections 2-7 of this regulation may be approved by the assigned judge. When requesting reimbursement of any expense under this section, a detailed description of the expenses should be attached to the application for reimbursement filed with the judge.

**E. Fees Covered**

1. *Criminal Justice Act Limits to Apply in Absence of Specific Limits*

Except as specified by these regulations, the amount of fees covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act, 18 U.S.C. §3006A.

2. *Maximum Amount of Fees*

An attorney appointed to represent an indigent party may request reimbursement of attorney's fees in an amount not to exceed ninety dollars (\$90) per hour for in-court and out-of-court work performed on or after May 1, 2002. Any work performed prior to May 1, 2002 shall be reimbursed at the rate of seventy-five dollars (\$75) per hour. The maximum reimbursement for attorney's fees in any one case is two thousand five hundred dollars (\$2,500).

**SO ORDERED BY THE COURT *EN BANCO* THIS   24th   day of   February  , 2004.**

**/s/ Carol E. Jackson  
CAROLE E. JACKSON, CHIEF DISTRICT JUDGE**

**/s/ Jean C. Hamilton  
JEAN C. HAMILTON, DISTRICT JUDGE**

**/s/ Donald J. Stohr  
DONALD J. STOHR, DISTRICT JUDGE**

**/s/ Charles A. Shaw  
CHARLES A. SHAW, DISTRICT JUDGE**

**/s/ Catherine D. Perry  
CATHERINE D. PERRY, DISTRICT JUDGE**

**/s/ E. Richard Webber  
E. RICHARD WEBBER, DISTRICT JUDGE**

**/s/ Rodney W. Sippel  
RODNEY W. SIPPEL, DISTRICT JUDGE**

**/s/ Henry E. Autrey  
HENRY E. AUTREY, DISTRICT JUDGE**