

Amendments to Rule 54.1

Rule 54.1 is amended as follows:

Rule 54.1. Attorney's Fees and Expenses **under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)**

(a) Time for Filing. The court may award attorney's fees and expenses where authorized by law. Applications must be filed within 30 days after the ~~[date of entry by the]~~ court ~~[of a]~~**enters** final judgment.

(b) Content of Application. Each application for attorney's fees and expenses ~~[as provided for in]~~**under** subdivision (a) ~~[shall contain a citation]~~**must include citations** to the authority ~~[which authorizes an]~~**authorizing the award**, and ~~[shall]~~**must** indicate ~~[the manner in which]~~**how** the prerequisites for an award have been fulfilled. In addition, each application ~~[shall contain]~~**must include** a statement, under oath, ~~[which specifies:]~~**specifying:**

- (1) the nature of each service rendered;
- (2) the amount of time expended in rendering each type of service; and
- (3) the customary charge for each type of service rendered.

(c) Response and Reply. The responding party ~~[shall have]~~**has** 30 days from the date of service of the application to file a response. No other papers or briefs ~~[shall]~~**will** be allowed, except as the court, ~~[up]~~on its own ~~[initiative]~~, ~~[shall direct.]~~**directs.**

PRACTICE COMMENT: An application for attorney's fees and expenses **under this rule** shall be substantially in the form set forth in Form 15 of the Appendix of Forms.

PRACTICE COMMENT: Pursuant to the renumbering of the USCIT Rules, the former Rule 68 now will be identified as Rule 54.1. [~~This Rule sets forth the procedures to be followed by a party seeking attorney's fees and other expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).~~]

(Added Sept. 30, 2003, eff. Jan. 1, 2004; **Nov. 25, 2008, eff. Jan. 1, 2009.**)