

## Proposed 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; \_\_\_\_\_, **2008**, eff. \_\_\_\_\_, **2009**.)

#### **Advisory Committee Note**

In addition to minor stylistic changes to Rule 54.1, the title of Rule 54.1 has been amended to clarify what the former second sentence of the second Practice Comment indicated, *i.e.*, that it is only 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).