



United States Court of International Trade

PROCEDURES FOR REIMBURSEMENT OF RECOVERABLE EXPENSES AND COSTS TO ATTORNEYS REPRESENTING PRO SE LITIGANTS BEFORE THE UNITED STATES COURT OF INTERNATIONAL TRADE

2015

The purpose of these procedures is to encourage greater representation of pro se litigants by attorneys admitted to practice before the United States Court of International Trade (CIT). In order to do this, the Court creates a process by which an attorney representing a litigant initially appearing pro se (“attorney representing a pro se litigant”) can obtain reimbursement for the recoverable expenses and costs of litigation in a pro bono action. The Court’s Administration and Operation of the Attorney Admission Fees Fund Account Plan (the Attorney Admission Fees Fund Plan) authorizes the use of money from that fund account to pay recoverable expenses and costs of attorneys who represent pro se litigants where compensation is not otherwise available.

Neither the Attorney Admission Fees Fund Plan nor these procedures are intended to create any enforceable right or entitlement to any attorney representing a pro se litigant for any reimbursements under these procedures. Moreover, these procedures may be discontinued, curtailed, or modified by the Court at any time and without prior notice.

1. Eligibility for reimbursement of recoverable expenses and costs

An attorney representing an indigent party in an action before this Court may petition the judge to whom the action is assigned for the reimbursement of recoverable expenses and costs incurred in the preparation and presentation of that action, subject to the restrictions set forth below.

2. Recoverable expenses and costs covered by procedures

(A) Filing Fees

The filing fee for the commencement of an action in the Court may be reimbursed. The fees for filing an appeal with the United States Court of Appeals for the Federal Circuit are not recoverable, and thus not eligible for reimbursement under these procedures.

(B) Transcripts of Court Proceedings

The costs of transcripts of court proceedings must not exceed the regular rate as established by the Judicial Conference of the United States and in effect at the time any transcript is transcribed, unless some other rate was previously approved by order of the Court.

(C) Travel Expenses

Travel by privately owned automobile plus parking fees, tolls and similar expenses actually incurred may be claimed by the petitioning attorney. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Actual expenses reasonably incurred will be guided by the prevailing limitations placed upon travel expenses of federal judiciary employees in accordance with existing government travel regulations.

(D) Service of Papers

Fees for service of papers that are not otherwise avoided, waived, or recoverable may be reimbursed.

(E) Costs of Photocopies, Telephone Toll Calls, Postage and Courier Services

Actual out-of-pocket costs incurred for items, such as photocopying, telephone toll calls, postage and courier services, necessary for the preparation of an action may be reimbursed.

(F) Other Recoverable Expenses and Costs

Attorneys representing pro se litigants may also be reimbursed for recoverable expenses and costs other than those described in section 2(A)-(E) of these procedures, as approved by the assigned judge or the Chairman of the Court's Budget Committee, as applicable.

3. Limitations of eligibility

(A) Actions Before the Court

Only those recoverable expenses and costs associated with the preparation of an action by an attorney representing a pro se litigant will be approved for reimbursement. Expenses and costs that are associated with the preparation or presentation of an appeal to the United States Court of Appeals for the Federal Circuit or the United States Supreme Court are not recoverable, and thus not eligible for reimbursement under these procedures.

(B) Maximum Recoverable Expenses and Costs

The assigned judge is authorized to approve reimbursement for recoverable expenses and costs at an amount not to exceed \$2,000.00. If the total of the reimbursements requested exceeds \$2,000.00, the assigned judge will forward the request to the Chairman of the Court's Budget Committee together with his or her recommendation regarding payment. Under no circumstances will expenses totaling more than \$5,000.00 be paid to a party in any proceeding, including instances where two or more parties in the same action are represented by counsel.

(C) Recoverable Expenses and Costs Awarded Against Party

Under no circumstances will any payments be authorized to pay for recoverable expenses or costs taxed as part of a judgment obtained by an adverse party against a pro se litigant before the Court.

4. Procedures for obtaining reimbursement

(A) Request for Reimbursement

Application for reimbursement must be made on the application available from the Court's website. The application must be accompanied by sufficient documentation to permit a determination that the application is appropriate and reasonable, and that the recoverable expenses and costs actually were incurred. The application must be completed, signed, and submitted to the Clerk's Office within 30 days after the entry of judgment in the action, except for good cause shown. Upon receipt, the application will be transmitted to the assigned judge for consideration.

For an amount not exceeding \$2,000.00, if the assigned judge determines that the application should be granted, that judge will forward the application to the Clerk's Office and direct the Clerk to transmit payment under the Attorney Admission Fees Fund Plan for the purpose of reimbursing the applicant. For an amount exceeding \$2,000.00, the assigned judge will forward the application to the Chairman of the Court's Budget Committee, along with his or her recommendation regarding payment. If the Chairman of the Court's Budget Committee determines that the application should be granted, he will forward the application to the Clerk's Office and direct the Clerk to transmit payment under the Attorney Admission Fees Fund Plan for the purpose of reimbursing the applicant.

(B) Requests for Reimbursement by Attorney No Longer Representing Party

Where an attorney representing a pro se litigant is permitted to withdraw from representing the party in a proceeding and the attorney has incurred recoverable expenses and costs that may be reimbursable under these procedures, the attorney must file an application for reimbursement within 30 days of the date of the entry of the order allowing the withdrawal.

(C) Actions by the Assigned Judge/Chairman of the Court's Budget Committee

The assigned judge or Chairman of the Court's Budget Committee, as applicable, may disallow

reimbursement of any recoverable expense or cost based upon the absence of documentation that such expense or cost is appropriate or reasonable. If the assigned judge or Chairman of the Court's Budget Committee disallows the application, in whole or in part, the Clerk's Office will promptly transmit to the applicant a copy of the application showing the action and transmitting payment, if any.

(D) Amounts Paid from Fund to be Reimbursed from Any Fee Award

Where a fee award is made by a judge to an attorney representing a pro se litigant under any provision of law, the attorney awarded fees must waive any reimbursement under these procedures, and must with due diligence surrender to the Clerk of the Court any amounts previously paid from this fund, if any.