

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 28 U.S.C. § 2412(d). Applications must be filed within 30 days after the date of final judgment, as defined in 28 U.S.C. § 2412(d)(2)(G).

(b) Content of Application. Each application for attorney's fees and expenses under subdivision (a) must include citations to the authority authorizing the award, and must indicate how the prerequisites for an award have been fulfilled. In addition, each application must include a statement, under oath, 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 has 30 days from the date of service of the application to file a response. No other papers or briefs will be allowed, except as the court, on its own, directs.

PRACTICE COMMENT: The 30-day statutory period for filing an application under the Equal Access to Justice Act begins to run after the expiration of the time period for filing an appeal. 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.

(Added Sept. 30, 2003, eff. Jan. 1, 2004; as amended Nov. 25, 2008, eff. Jan. 1, 2009; Nov. 25, 2009, eff. Jan. 1, 2010; July 24, 2012, eff. Sept. 3, 2012).