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MAR 16 1990
AT SEATTLE
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re: Plan and Rules for Representation of Pro Se Litigants	GENERAL ORDER

Effective March 16, 1990, the court adopts the amendments to the following documents, as reflected by the attachments to this order:

(1) Plan of the United States District Court for the Western District of Washington for the Representation of Pro Se Litigants in Civil Rights Actions;

(2) Rules Governing Pro Bono Panel; and

(3) The District Court Fund; Regulations Governing the Prepayment and Reimbursement of Expenses in Cases Assigned to the Western District Pro Bono Panel.

DATED this 15th day of March, 1990.

Barbara J. Rothstein
Chief United States District Judge

RULES GOVERNING PRO BONO PANEL
(AS AMENDED, EFFECTIVE 3/16/90)

Rule 1. Responsibilities of the Appointed Attorney.

(a) Upon receiving a notice of appointment and entering an appearance in the action, the appointed attorney shall promptly communicate with the newly represented litigant concerning the action.

(b) The appointed attorney should discuss fully the merits of the dispute with the party and should explore with the party the possibilities of resolving the dispute in other forums, including but not limited to administrative forums.

(c) If the party desires to prosecute the action after consultation with the appointed attorney, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided in the Rules accompanying this Plan.

(d) Within ten (10) days of receipt of the notice of appointment, the appointed attorney may request an extension of discovery upon written application to the Judge with service on all parties. The Court will consider this request but is not required to grant it.

Rule 2. Relief from Appointment.

(a) An appointed attorney may apply to be relieved of an order of appointment only on the following grounds: (i) a conflict of interest precludes the attorney from accepting the responsibilities of representing the party in the action; (ii) a personal incompatibility exists between the attorney and the party; (iii) a substantial disagreement exists between the attorney and the party on litigation strategy; (iv) the party is proceeding for purposes of harassment, or malicious injury; or (v) the party's claims are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.

(b) Before seeking relief from an order of appointment, the appointed attorney shall determine whether representation can be undertaken by another attorney affiliated with the appointed attorney in a partnership or professional corporation. Where an attorney so affiliated with the appointed attorney is able to represent the party in the action, the appointed attorney shall identify said attorney in the application for relief.

(c) An application by an appointed attorney for relief from an order of appointment on any of the grounds set forth in subparagraphs (i) through (iii) of Rule 2(a) must be made to the

Judge within twenty (20) days after the attorney's receipt of the order of appointment or within such additional period permitted by the Judge for good cause shown.

(d) If an application for relief from an order of appointment is granted, the Judge may issue an order directing appointment of another attorney to represent the party if the party is a prisoner or referring the party back to the Screening Committee if the party is a nonprisoner. Where the application for relief from appointment identifies an attorney affiliated with the moving attorney who is able to represent the party, such an order may direct appointment of the affiliated attorney with the consent of the affiliated attorney. In either case, such appointment shall be made in accordance with the provisions of Sections 3 and 4 of the Plan. The Judge shall have the discretion not to issue a further order of appointment or referral, in which case the party shall be permitted to prosecute the action pro se.

(e) Whenever an attorney seeks to be relieved of an order of appointment on any of the grounds set forth in subparagraphs (iv) or (v) of Rule 2(a), the attorney shall file an application for relief with the Clerk. The application shall set forth in full the factual and legal basis for the request for relief. The Clerk shall immediately submit the application to a Judge other than the one to whom the case is assigned. The Judge shall either (i) deny the application of the attorney and direct that attorney to proceed with the representation, or (ii) grant the application and direct the Clerk to select another attorney in a prisoner case or refer the case to the Screening Committee in a nonprisoner case, or (iii) grant the application and permit the party to prosecute the action pro se. If the Judge grants the application and directs the selection of another attorney, the attorney shall be relieved, and the Clerk shall, without revealing the contents of the application to the Judge to whom the case is assigned, forthwith select another attorney to represent the party in accordance with the provisions of Section 3 of the Plan or shall refer the case to the Screening Committee in accordance with the provisions of Section 4 of the Plan.

(f) Whenever a second attorney selected pursuant to the provisions of Rule 2(e) seeks to be relieved from appointment on any of the grounds set forth in subparagraphs (iv) or (v) of Rule 4(a), he or she shall file an application for relief in accordance with the provisions of Rule 2(e). The Clerk shall thereupon submit the application for relief of the second appointed attorney to the Judge who reviewed the application for relief of the first attorney. The Judge shall either (i) deny the application of the second attorney and direct that attorney to proceed with the representation, or (ii) grant the application and permit the party to prosecute the action pro se. No further appointments shall be made.

Rule 3. Discharge.

(a) A party for whom an attorney has been appointed shall be permitted to request the Judge to discharge the attorney from the representation and to appoint another attorney. Such a request must be made within twenty (20) days after the party's initial consultation with the appointed attorney or within such additional period permitted by the Judge.

(b) When a request for a discharge under subsection (a) is supported by good cause (e.g., personal incompatibility between the party and the appointed attorney or substantial disagreement between the party and the appointed attorney on litigation strategy), the Judge shall forthwith issue an order discharging the appointed attorney from further representation of the party in the action. In such cases, the Judge may issue a further order directing appointment of another attorney to undertaken the representation in accordance with the provisions of Section 2(d) through (f) of the Plan. The Judge shall have the discretion not to issue a further order of appointment in such cases. In actions where a second attorney is appointed to represent the party, no additional appointments shall be made.

(c) In actions where (i) the party's request for discharge is not supported by good cause, or (ii) the party seeks discharge of a second appointed attorney, the party shall be permitted to prosecute the action pro se. In either case, the appointed attorney shall be discharged from the representation.

Rule 4. Duration of Representation.

(a) An appointed attorney shall represent the party in the action from the date the appearance is entered until a final judgment or appealable interlocutory order is entered in the action.

(b) If the party desires to take an appeal from a final judgment or appealable interlocutory order, if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged, but not required, to represent the party on the appeal and in any proceeding, judicial or administrative, that may ensue upon an order of remand.

(c) Where the appointed attorney elects not to represent the party of an appeal or in proceeding upon remand, the attorney shall advise the party of all required steps to be taken in perfecting the appeal or in appearing in the proceeding on remand. Such advice shall include available sources of appointed counsel.

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PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE
FOR THE REPRESENTATION OF PRO SE LITIGANTS
IN CIVIL RIGHTS ACTIONS
(AS AMENDED, EFFECTIVE 3/16/90)

Pursuant to 28 U.S.C. § 1915(d) and 42 U.S.C. § 2000(e)-5(f), the United States District Court for the Western District of Washington at Seattle adopts the following amended plan for furnishing representation to pro se litigants in civil rights actions where the Court exercises its discretion to provide such representation. This plan shall govern the appointment of attorneys from the Western District Pro Bono Panel to represent pro se litigants in civil rights actions. For each civil action duly commenced in the Western District at Seattle by such a litigant, the Judge to whom the action is assigned may issue an order of appointment and other orders relating to representation by the appointed attorney in accordance with this plan and the accompanying Rules. For all purposes, the term Judge shall include a Magistrate.

Section 1. Pro Bono Panel.

(a) Attorneys who are willing to accept appointment to represent pro se litigants in civil rights actions shall apply for designation to the Pro Bono Panel on appropriate forms available from the Clerk of the Court. Each application shall set forth, among other things: (i) the attorney's prior civil trial experience, including the number of trials and areas of trial experience; (ii) the attorney's ability to consult and advise in languages other than English; and (iii) the attorney's preference area for appointment.

(b) A law firm may apply for designation to the Panel as a firm by completing the appropriate form available from the Clerk. In its application, the law firm shall set forth, among other things: (i) the number of appointed cases per calendar year the firm is willing to accept; (ii) the ability of participating firm attorneys to consult and advise in languages other than English; (iii) the name of the firm's managing partner or a senior member of the firm designated as the Panel Liaison; and (iv) preference area if any. Where an action is assigned to a participating firm, the order of appointment may be directed to the firm and the assignment of a firm attorney to the action may be made by the managing partner of Panel Liaison.

(c) Information on an application may be amended at any time by letter. An attorney or firm may by letter withdraw from the Panel at any time. No attorney will be required to handle more than one action at one time.

(d) An attorney must be admitted to practice in the United States District Court for the Western District of Washington to be eligible for designation as a member of the Pro Bono Panel.

(e) The Clerk's list of panel members, together with the information supplied by each panel member, shall be made available to the Screening Committee described in Section 2 below.

Section 2. The Nonprisoner Civil Rights Case Screening Committee.

(a) Composition of the Screening Committee. The Screening Committee shall be composed of members of the bar of this Court. An attorney who serves on the Screening Committee shall not simultaneously serve as a panel member. Members shall be appointed by the Chief Judge of this Court. An appointment shall last twelve (12) months, although a member of the Screening Committee may be reappointed by the Chief Judge if the member consents to the reappointment. The Chief Judge shall determine the appropriate size of the Committee.

(b) Selection of Screening Committee Members. Screening Committee members shall have expertise in civil rights. The Chief Judge may consult with bar associations, not-for-profit legal aid organizations or other groups to obtain the names of prospective Screening Committee members. The Chief Judge may also appoint one or more such organizations to serve on the Screening Committee.

Section 3. Appointment Procedure in Prisoner Civil Rights Cases.

(a) A civil rights action duly commenced by a prisoner litigant who appears pro se will be assigned to a Judge in the same manner as any other civil action.

(b) Whenever the assigned Judge concludes that appointment of counsel is warranted because the case meets the requirements of 28 U.S.C. § 1915(d) or 42 U.S.C. § 2000e-5(f), the Judge shall issue an order pursuant to the appropriate section directing appointment of an attorney from the Pro Bono Panel to represent the litigant. (If deemed desirable, the Judge may direct appointment of an attorney not on the Panel or a specific attorney on the Panel who is especially qualified by interest or otherwise to undertake the representation.) This order shall be transmitted forthwith to the Clerk.

(c) After receiving the appointment order from the Judge, the Clerk shall select an attorney from the Panel to represent the litigant in the action, unless the order directs appointment of a specific attorney. Selection by the Clerk shall be made on a random basis from the list of attorneys on the Panel.

(d) The Clerk shall immediately send written notice of the appointment to the selected attorney. A copy of the order of

appointment shall accompany the notice. Upon receiving notice of appointment, the appointed attorney shall forthwith enter an appearance in the action. The complete case file shall be made available to the attorney by the Clerk for inspection and copying.

(e) The Clerk shall also send immediate written notice of the appointment, including the name, address, and telephone number of the appointed attorney to the newly represented party and to all other parties or their counsel in the action.

(f) The Clerk shall maintain a record of all appointments. Before assigning an attorney to represent a pro se prisoner litigant, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Whenever an appointed attorney is already representing the litigant in another action, such attorney is encouraged but not required to represent the litigant in the new action. The Clerk shall inquire of the appointed attorney whether he or she will accept appointment in the new action. If the appointed attorney declines, the Clerk shall appoint an attorney, at random, in accordance with this Rule.

Section 4. Appointment Procedure In Nonprisoner Civil Rights Cases.

(a) Application and Affidavit of Pro Se Party. Whenever a pro se party in a nonprisoner civil rights action files an appearance or first pleading, the Clerk of this Court shall forward to the party an information sheet and an application for the appointment of counsel. If the nonprisoner pro se party decides not to seek the appointment of counsel, the pro se party shall return the application to the Clerk and indicate that he or she understands that counsel could be appointed in the case, but that he or she wishes to proceed without the assistance of counsel.

The information sheet shall notify the pro se party of (a) the possibility of obtaining appointed counsel, (b) the steps needed to complete and file the application, (c) his or her responsibility to pay expenses to the extent reasonably feasible based on his or her financial condition, (d) his or her responsibility to pay part or all of the attorney's fees to the extent reasonably feasible based on his or her financial condition, and (e) the provisions of 42 U.S.C. § 2000e-5(k) for the award of attorney's fees to prevailing parties in Title VII employment discrimination actions.

Any application for the appointment of counsel by a party appearing pro se in a nonprisoner civil rights action shall be on a form approved by the Court. The application shall include a form of affidavit stating the party's efforts to obtain counsel by means other than appointment and indicating any prior pro bono

appointments of counsel to represent the party in cases brought in this Court, including both pending and previously terminated actions. A completed copy of the affidavit of financial status shall be attached to the application.

Failure of a party to make a written application for appointed counsel shall not preclude appointment.

(b) Re-application Following Changed Circumstances. A pro se litigant in a nonprisoner civil rights action ineligible for appointed counsel at the outset of the litigation, who later becomes eligible by reason of changed circumstances, may apply for appointment of counsel, using the procedures specified in (a) above, within a reasonable time after the change in circumstances has occurred.

(c) Referral to the Screening Committee. Upon receiving a completed application for appointment of counsel from a pro se litigant in a nonprisoner civil rights action, the Clerk shall forward the application, copies of the pleadings filed to date, and other relevant documents to the Screening Committee.

(d) Screening Committee Review. Upon receipt of a completed application from the Clerk, the Screening Committee shall, within a reasonable time, review the application, pleadings, and other relevant documents. The Screening Committee may in its discretion also interview the nonprisoner pro se party in person. Confidential communications between the pro se party and the Screening Committee shall be protected from disclosure, pursuant to the attorney-client privilege and the attorneys' ethical responsibilities.

Based upon its review of the case and the factors set forth in party (e), below, the Screening Committee shall determine whether counsel should be appointed to represent the pro se party. If the Screening Committee determines that counsel should be appointed, the Screening Committee may refer the case to the Clerk for assignment from the Clerk's list of panel attorneys or select and recommend the member(s) of the Panel to be appointed to represent the pro se party if the case requires specific expertise. The Screening Committee may also request the pro se party to take specific steps to obtain private counsel before the Screening Committee determines whether counsel should be appointed.

Except under unusual circumstances, the Screening Committee shall not select an attorney who resides more than 50 miles from the pro se party. An attorney may, however, consent to an appointment of behalf of a pro se party who resides more than 50 miles from the attorney.

(e) Factors to Determine Whether to Appoint Counsel. Factors which the Screening Committee shall take into account in making its determination are:

(1) the inability of the pro se party to retain counsel by other means;

(2) the potential merit of the claims as set forth in the pleadings;

(3) the nature and complexity of the action, both factual and legal, including the need for factual investigation;

(4) the presence of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination;

(5) the capability of the pro se party to present the case;

(6) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of appointed counsel; and

(7) any other factors deemed appropriate by the Screening Committee.

(f) Check for Conflicts of Interest. If the Screening Committee determines that counsel should be appointed, the Committee shall, prior to reporting to the Court, forward the names of the parties in the case to the selected attorney. The selected attorney shall promptly notify the Screening Committee of the existence of an actual conflict of interest.

(g) Report to the Court. The Screening Committee's conclusion that counsel should or should not appointed shall be forwarded promptly to the Clerk. If the Screening Committee determines that counsel should be appointed, the name of the selected Panel member shall also be forwarded to the Clerk.

(h) Order of Appointment. Whenever the Screening Committee concludes that the appointment of counsel is warranted, the Judge shall issue an order directing the appointment of the attorney selected by the Screening Committee to represent the pro se party. If the Screening Committee has not recommended the appointment of counsel and, nonetheless, the Judge believes that appointment is warranted, the Judge may refer the case back to the Screening Committee and direct the Screening Committee to select an attorney to represent the pro se party.

If a case has been referred to the district court by the court of appeals for appointment of counsel to represent the pro se party on appeal, the Judge shall appoint counsel selected by the

Screening Committee. The Clerk shall forward a copy of the order of appointment to the court of appeals.

After an attorney has been selected, the Clerk shall forthwith send him or her written notice of the appointment. A copy of the order of appointment and copies of the pleadings filed to date, relevant correspondence, and any other relevant documents shall accompany the notice. In addition to notifying the attorney, the Clerk shall also notify all of the parties to the action of the appointment and include with such notification the name, address, and telephone number of the appointee.

Section 5. Expenses.

(a) The appointed attorney or the firm with which the attorney is affiliated shall request the pro se litigant to provide reimbursement for the costs incurred in litigating the action to the extent that the litigant is able to bear such costs. If the litigant is unable to do so, the appointed attorney or the firm with which the attorney is affiliated may apply for reimbursement of reasonable expenses to the Western District Court Civil Rights Litigation fund as specified in Section 5(b). If reimbursement is not available from the pro se litigant or the Litigation Fund, the appointed attorney or the firm with which the attorney is affiliated may bear the costs of the litigation (e.g., discovery expenses, subpoena fees, transcript expenses).

(b) If the litigant is unable to bear the costs of the litigation, the attorney may apply for reimbursement of reasonable expenses to the Western District Court Civil Rights Litigation Fund formed for the purpose, inter alia, of providing monies for this purpose.

Section 6. Compensation for Services.

(a) If the action is one for which compensation for legal services may become available to the appointed attorney by statute, the Clerk shall so inform the pro se party at the time the order of appointment is issued. The Clerk shall also inform the party at that time that any statutory fee award may be made only by the Judge at the conclusion of the case.

(b) Upon appropriate application by the appointed attorney, the Judge may grant attorneys' fees to the appointed attorney for services rendered in the action, as authorized by applicable statute, regulation, rules or other provisions of law, and as the Judge deems just and proper. In deciding whether to award attorneys' fees the Judge shall consider the relevant statutes and prevailing legal standards.

(c) If, after appointment, the appointed attorney discovers that the party is able to pay for legal services, the attorney

shall bring this information to the attention of the assigned Judge. The Judge may thereupon (i) approve a fee arrangement between the party and the attorney, or (ii) relieve the attorney from the responsibilities of the order of appointment and permit the party to retain another or to proceed pro se.

(d) All costs advanced by the Western District Court Civil Rights Litigation Fund shall be repaid to the Fund if later awarded by the Court to a prevailing pro se plaintiff.

Section 7. Educational Panels.

(a) The Court shall authorize the establishment of panels of attorneys and others experienced in the preparation and trial of civil rights actions involving pro se litigants.

(b) The educational panels are authorized to conduct educational programs for attorneys on the Pro Bono Panel to train and assist said attorneys in the preparation and trial of section civil rights actions involving pro se litigants.

(c) The Clerk is authorized to maintain a list of attorneys experienced in the preparation and trial of civil rights actions involving pro se litigants, whether or not such attorneys serve on an educational panel. Such attorneys may be consulted by attorneys on the Pro Bono Panel as necessary and appropriate.

(d) Each attorney appointed to a civil rights pro se litigant case shall receive a copy of materials prepared for training purposes.

Section 8. Rules and Regulations.

The United States District Court for the Western District of Washington at Seattle shall adopt rules and regulations in accordance with this plan and reserves the right to amend such rules from time to time as the Court deems appropriate.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE DISTRICT COURT FUND
REGULATIONS GOVERNING THE PREPAYMENT AND REIMBURSEMENT
OF EXPENSES IN CASES ASSIGNED TO THE
WESTERN DISTRICT PRO BONO PANEL
(AS AMENDED, EFFECTIVE 3/16/90)

1. ELIGIBILITY FOR PREPAYMENT OR REIMBURSEMENT OF EXPENSES.

When an attorney has been appointed, pursuant to the Plan for the Representation of Pro Se Litigants in Civil Rights Actions, to represent an indigent party in a civil rights proceeding before this Court, that attorney shall be allowed to petition the Court for the prepayment or reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

2. LIMITATIONS ON ELIGIBILITY.

(a) Not Applicable if C.J.A. Funds are Available.

In any proceeding where expenses are covered by the Criminal Justice Act (Title 18 U.S.C. § 3006A), they shall be paid from such funds in accordance with C.J.A. guidelines and not from the District Court Fund.

(b) Limit on Total Expenses Covered by Fund.

The Judge or Magistrate to whom the case is assigned is authorized to approve prepayments or reimbursements totalling $1,000.00. In no event will more than $1,000.00 in such expenses be paid for a party in any proceeding. Where two or more parties in the same proceeding are represented by counsel appointed pursuant to the Plan for the Representation of Pro Se Litigants in Civil Rights Actions, the limits established by this section shall apply to the costs incurred on behalf of each party, provided that in no proceeding shall the total amount paid from the Fund exceed $4,000.00 regardless of the number of parties so represented.

(c) Limited to Civil Rights Actions Before the District Court.

Only those expenses associated with the preparation of a civil rights action assigned to an attorney on the Western District Pro Bono Panel in the U.S. District Court for the Western District of Washington shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the

U.S. Court of Appeals or the U.S. Supreme Court shall be reimbursed from the District Court Fund.

(d) Overhead Costs Not Covered.

General office expenses, including personnel costs, rent, telephone services, secretarial help, word processing, office photocopying equipment, and any general expense that would normally be reflected in the fee charged to a client are not reimbursable from the District Court Fund.

(e) Not Available to Pay Costs Awarded Against Party.

Under no circumstances shall any payments be authorized from the 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.

3. PROCEDURES FOR OBTAINING PREPAYMENTS OR REIMBURSEMENTS.

(a) Request for Authority to Incur Expense.

For those expenses where authority to incur is required prior to incurring them, the request for authority to incur the expense shall be made by motion filed with the Judge or Magistrate to whom the case is assigned. The motion shall set forth briefly the reason for the request and the estimated amount of the expense.

(b) Request for Prepayment or Reimbursement of Expenses.

Any request for the prepayment or reimbursement of expenses shall be on the voucher form approved by the District Court and available on request from the Clerk. The request shall be accompanied by sufficient documentation to permit the Court to determine that the request is appropriate and reasonable and, where the request is for reimbursement, that the amounts have actually been paid out. The request shall be filed with the Clerk, who shall review the voucher to verify it complies with these regulations, and then forward it to the Judge or Magistrate to whom motions in the case are assigned. Upon approval by the Judge or Magistrate, the Clerk shall promptly pay the voucher to the extent that sufficient funds are available. Requests may be made at any time during the pendency of the proceedings and up to thirty days following the entry of judgment in or dismissal of the proceedings. The assigned Judge or Magistrate may, for good cause shown, extend the time for filing a request.

(c) Requests for Reimbursement by Attorney No Longer Representing Party.

Where an attorney appointed under this Court's Pro Bono Panel Plan and Rules is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, he or she shall file a request for reimbursement within ninety 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 expenses where the request was filed more than ninety days after the entry of the order of withdrawal.

(d) Requests May Be Made Ex Parte.

Any request made under sections (a), (b), or (c) of this regulation may be made ex parte.

(e) Action by Assigned Judge and/or Chief Judge.

The assigned Judge or Magistrate or the chief Judge may refuse to permit prepayment or disallow reimbursement of any expense based upon the absence of documentation that such expense is appropriate or reasonable or, where reimbursement is requested, was actually incurred.

(f) Amounts Paid From Fund To Be Reimbursed From Any Award of Fees and/or Costs.

Where an award of fees and/or costs is made by a Judge or Magistrate to an appointed attorney, the attorney awarded fees shall upon receipt of the monies awarded promptly repay the Fund any amounts paid to him or her under these Regulations, but not to exceed the amount of the award.

4. EXPENSES AND COSTS COVERED BY REGULATIONS.

(a) C.J.A. 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) (See also Guide to Judiciary Policies and Procedures, Volume VII, Section A, Chapters 2 and 3).

(b) Deposition and Transcript Costs.

The costs of transcripts or depositions shall not exceed the regular copy rate as established by the Judicial Conference of the United States and in effect at the time any transcript was prepared or deposition was taken unless some other rate was previously provided for 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 shall be allowed.

(c) Costs of Investigative, Expert, or Other Services.

(i) Upon Request.

Counsel for a person who is financially unable to obtain investigative, expert or other services necessary for the adequate preparation of a matter under these regulations may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the Court shall authorize counsel to obtain the services.

(ii) Without Prior Request.

Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for the adequate preparation of the case. The total cost of services obtained without prior authorization may not exceed $150 and expenses reasonably incurred.

(iii) Maximum Amounts.

Compensation to be paid to a person for investigative, expert, or other services shall not exceed $200, exclusive of reimbursement for expenses reasonably incurred.

(d) 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. Transportation other than by privately owned automobile may be claimed on an actual expense basis. Per diem in lieu of subsistence is not allowable; 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.

(e) Service of Papers; Witness Fees.

Those fees for service of papers and the appearances of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the District Court Fund.

(f) Interpreter Services.

Costs of interpreter services not otherwise avoided, waived, or recoverable may be reimbursed from the District Court Fund.

(g) Costs of Photocopies, Photographs, Telephone Toll Calls, Telegrams.

Except as provided by section (d) of Regulation 2, 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 prepaid or reimbursed from the District Court Fund.

(h) Other Expenses.

Expenses other than those described in sections (b) through (g) of this regulation may be approved by the Judge to whom the case is assigned. No single expense under this section exceeding $25 shall be reimbursed unless approval was obtained from the Judge prior to the expenditure. When requesting reimbursement for any expenses under this section, a detailed description of the expenses should be attached to the petition for reimbursement filed with the Judge.

WESTERN DISTRICT PRO BONO PANEL
REIMBURSEMENT OF EXPENSES FORM

Voucher Number _____
Verified _____
Check Number _____
Date Issued _____

Assigned Judge_____ Case Number _____

Case Title _____

Name of Party Represented _____

Request for: ___ Prepayment ___ Reimbursement (Check One)

Check box if previous payments have been made in this case:
___ Amount: $_____.

Judgment Entered? ___ Yes ___ No If yes, Date of Judgment:
_____.

If applicable, date of order granting leave to withdraw: _____
_____.

Attorney's Name _____ Make check payable to:
___ Attorney
___ Firm

Firm or Business Name _____

Street Address _____ Suite Number _____

City _____ State _____ Zip___ Business Phone _____

ITEMIZED EXPENSES

Please refer to the Regulations Governing the Prepayment and Reimbursement of Expenses in Pro Bono Civil Rights Cases for guidance on approvable itemized expenses.

Depositions and Transcripts	$_____
Investigative, Expert or Other Services	$_____
Travel Expenses	$_____
Service of Papers/Witness Fees	$_____
Interpreter Services	$_____
Photographs, Photocopies, Telephone Toll Calls, Telegrams	$_____
Other (Please attach Description)	$_____
TOTAL AMOUNT CLAIMED	$_____

(NOTE: Maximum allowable payments are $1,000 per party, $4,000 per case.)

I swear to (or affirm) the truth and correctness of the above statements and that each of the listed expenses are/were, in my

best judgment, necessary for the adequate preparation and presentation of the above-named case. Further, I swear (or affirm) that this request is made in absence of other sources of prepayment or reimbursement and that if any of these expenses are otherwise recovered, I shall return an equivalent amount to the District Court Fund.

_____ _____

Attorney's Signature Date

APPROVED) Assigned Judge's Signature _____
) Date _____ Amount Approved $_____
FOR)
)
PAYMENT)

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