



# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

## REIMBURSEMENT GUIDELINES

### I. BACKGROUND

The United States District Court for the District of Idaho has established a Pro Bono panel of lawyers who have agreed to represent *pro se* plaintiffs, and prisoners that have filed civil actions with the Court. The prisoners are generally claiming violations of their constitutional rights.

While the litigation is pending, the pro bono attorney may incur significant out-of-pocket expenses for experts, depositions and other fees paid to third parties. If the plaintiff is successful, the attorney may recover attorney's fees and costs as part of the judgment; however, if the plaintiff is not successful, there is no such recovery. The maximum reimbursement per case shall be \$1,500., unless a larger amount is approved **before** the expense is incurred.

### II. ELIGIBLE CASES

The Court will reimburse out-of-pocket expenses incurred by Pro Bono counsel who voluntarily represents the *pro se* plaintiff, or prisoner in civil rights cases, and any other cases that the Court may later include.

### III. REIMBURSABLE CASES

- The Court will reimburse covered out-of-pocket expenses to the extent they are reasonable and necessary. The appropriateness of reimbursements will be determined on a case-by-cases basis by the presiding judge.
- Reimbursable out-of-pocket expenses made to third parties for services include, but are not limited to: process service, filing fees, expert consultations, witness fees, interpreter services, photographs, and deposition costs.
- Copying services are not reimbursable, nor are internal photocopying and/or printing of documents.

#### **IV. PROCEDURE FOR RECOVERING OUT-OF-POCKET**

During the course of the litigation, or when a motion to recover attorney's fees and costs is denied at the conclusion of the litigation, a law firm seeking to recover out-of-pocket expenses must complete a form entitled "Request for Reimbursement of Out-of-Pocket Expenses," setting forth the nature, reason and amount of each expenditure for which reimbursement is sought, and present that form to the CJA attorney for approval. The CJA attorney shall have broad discretion in approving or disapproving expenses in accordance with this policy, except as set forth in Part III.D.3 above.

#### **V. JUDGMENT OR SETTLEMENT RESULTING IN RECOVERY OF OUT-OF-POCKET EXPENSES**

Any out-of-pocket expenses reimbursed to the law firm must, if previously reimbursed under this policy, be repaid to the Non-appropriated Attorney Admission Fund upon recovery of a judgment or settlement resulting in a monetary award to plaintiff. This repayment must be made prior to any disbursement to counsel, plaintiff, or any other person.

#### **VI. MANAGEMENT OF FUNDS**

The funds for reimbursement are provided by the Central District's Attorney Admissions Fund. Orders providing for reimbursement are to be signed by the CJA attorney and forwarded for payment to the Clerk of Court.