

Expense Reimbursement Plan for Pro Bono Representation by Appointment

Docketing Event

N/A

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Local Rule 2091-2](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 1/24/2018

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Description

There are bankruptcy cases, contested matters, and adversary proceedings that may warrant the appointment of counsel for *pro se* litigants with limited financial resources. The Court established a plan governing those appointments.

Appointment of Counsel:

- A. The Clerk of Court shall maintain a list of attorneys, provided by the local bankruptcy bar associations, willing to provide pro bono representation (the “Pro Bono List”). The Pro Bono List shall indicate which division of the Court the attorney is willing to offer services.
- B. If a judge finds that the appointment of pro bono counsel is warranted, the judge may ask the Deputy-in-Charge to contact an attorney from the Pro Bono List to accept the appointment. If the attorney accepts the appointment, the judge will enter an order of appointment.
- C. A judge may request the appointment of a particular attorney for an entire case, adversary proceeding or contested matter, or for a limited purpose (for example, to represent a litigant during a settlement conference or trial, to file a response to a dispositive motion, or to appear at a deposition).
- D. The Clerk of Court must maintain a record of all orders of appointment.

Duration & Extent of Representation:

- A. An appointment is limited to the particular case, adversary proceeding, or contested matter for which the appointment is made.
- B. An attorney who wants relief from an appointment must move to withdraw in accordance with the requirements of Local Rule 2091-2.

- C. Unless the Court grants a motion to withdraw, appointed counsel must represent the party until final judgment or final resolution of a designated issue.
- D. Appointed counsel may, but is not required to, represent the client in any appeal. If appointed counsel decides not to represent the client on appeal, he or she must notify the client of the requirements of filing a notice of appeal or cross-appeal in time for such a notice to be filed.

Reimbursable Expenses:

- A. While appointed counsel is encouraged to pay any expenses he or she wishes, this policy allows counsel to seek reimbursement for reasonable litigation expenses.
- B. Appointed counsel should first pursue any expenses recoverable under the United States Code, the Federal Rules of Bankruptcy Procedure, any contractual provision, or the like, before petitioning the Court for reimbursement of expenses.
- C. The Court will reimburse expenses for the preparation and presentation of the case, contested matter, or adversary proceeding to the extent they are reasonable, necessary, and otherwise recoverable under this plan. The Court will determine the appropriateness of reimbursements on a case-by-case basis.
- D. Expenses exceeding \$1,000 will not be reimbursed absent demonstrated exceptional circumstances.
- E. The following expenses *may be* reimbursed:
 - 1. Fees for the attendance of court reporters;
 - 2. Subpoena fees;
 - 3. Witness fees;
 - 4. Expenses for deposition transcripts;
 - 5. Expenses for an investigator up to \$75 an hour;
 - 6. Expenses for an expert;
 - 7. Expenses for travel (limited to lodging expenses and transportation expenses with mileage at the rate for official government travel in effect during the travel);
 - 8. Expenses for an interpreter;
 - 9. Expenses for copying and printing up to \$.15 a page unless electronic submission of documents would have sufficed;
 - 10. Expenses for delivery service unless electronic submission of documents would have sufficed;
 - 11. Mediation fees, unless the Court has a list of mediators willing to provide services on a pro bono basis; and
 - 12. Preapproved expenses for other items upon demonstrated good cause.

- F. The following expenses *may not* be reimbursed:
1. Expenses for office overhead, including long-distance telephone calls, facsimile transmissions, and secretarial expenses;
 2. Computer-assisted research;
 3. Expenses not ordinarily billed to a fee-paying client;
 4. Expenses recovered through settlement;
 5. Expenses not properly documented;
 6. Expenses recovered after an award under the United States Code, the Federal Rules of Bankruptcy Procedure, any contractual provision, or the like;
 7. Expenses awarded against appointed counsel or the party represented by appointed counsel;
 8. Any filing or service-of-process fees already paid;
 9. Any expense associated with an appeal to the United States Court of Appeals for the Eleventh Circuit; and
 10. Attorney's fees.

Procedure for Requesting Reimbursement of Expenses:

- A. Appointed counsel may request reimbursement of expenses through the online submission of a completed "Request for Reimbursement of Bankruptcy Pro Bono Expenses" form.
1. The request will not be part of the docket or otherwise shared with opposing counsel.
 2. Appointed counsel must submit documentation with the request.
 3. A request for reimbursement ordinarily must include all reimbursement requests in a single submission and must not be submitted before the case is closed or the representation has otherwise ended and no later than 45 days after the earlier of either. Upon demonstrated exceptional circumstances, the Court may, upon request, reimburse expenses exceeding \$1,000 before the case is closed or the representation has otherwise ended.
 4. Appointed counsel must obtain preapproval for any single expense in excess of \$500 for which he or she expects reimbursement. Appointed counsel may obtain pre-approval through the online submission of a completed, "Request for Pre-approval of Pro Bono Expense Over \$500" form. Appointed counsel may not include in any petition for reimbursement any single expense exceeding \$500 for which preapproval was not obtained.

- B. If appointed counsel has withdrawn or been dismissed before the end of the matter for which they have been appointed, the Court may withhold reimbursement of expenses until the end of the case to properly apportion expenses between counsel.
- C. If the Court reimburses any expense later recovered, the attorney must return the amount to the Court.
- D. Under appropriate circumstances, the presiding judge may require the submission of a proposed budget.

Authority & Procedure for Approving Request for Reimbursement of Expenses:

- A. The presiding judge may approve single or total expenses up to \$1,000. The presiding judge and the Bench Bar Fund Committee must approve single or total expenses exceeding \$1,000 and up to \$10,000. The presiding judge, the Bench Bar Fund Committee, and the Board of Judges must approve single or total expenses exceeding \$10,000.
 - B. The Clerk of Court will route requests and obtain approvals in the following order: first to the presiding judge, then, if necessary, to the Bench Bar Fund Committee, then, if necessary, to the Board of Judges.
 - C. At each level of review, the request will be considered as expeditiously as possible.
 - D. If a request for reimbursement of any expense is denied, appointed counsel may, within 30 days of the denial, request reconsideration from the same level of review, or, if there is one, the next highest level of review.
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Forms

[Request for Reimbursement of Bankruptcy Pro Bono Expenses](#)

[Request for Pre-approval of Pro Bono Expense Over \\$500](#)