

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA



Plan for Pro Bono Representation by Appointment in Civil Cases

I. Overview

Recognizing there are exceptional civil cases that warrant the appointment of counsel for pro se litigants with limited financial resources, the Court establishes this plan governing those appointments.

II. Appointment of Counsel

- A. The voluntary federal bar organizations in each division (except the Ocala Division) will maintain a list of members of the bar of the Court willing to accept appointments in the respective division. Working with those organizations, the Orlando Chapter of the Federal Bar Association will also maintain a districtwide list.
- B. If a judge finds that the appointment of pro bono counsel in a civil case is warranted, the judge may ask the Clerk of Court to call an attorney from the appropriate list to accept the appointment. If the attorney accepts the appointment, the judge will enter an order of appointment with reference to this plan.
- C. A judge may request the appointment of a particular attorney or an attorney 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.

III. Duration & Extent of Representation

- A. An appointment is limited to the case for which appointment is made and the issues before the Court in that case. An appointment does not extend to a proceeding related or collateral to the case or that may ensue upon an order of dismissal or remand to state court.
- B. An attorney who wants relief from an appointment must move to withdraw in accordance with the requirements of Local Rule 2.03.
- C. Unless the Court grants a motion to withdraw, appointed counsel must represent the party until final judgment or final resolution on 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.

IV. 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. Keeping in mind that appointed counsel should first pursue any expenses recoverable under the United States Code, the Federal Rules of Civil Procedure, any contractual provision, or the like, appointed counsel may petition for reimbursement of expenses.
- C. The Court will reimburse expenses for the preparation and presentation of the case 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 \$15,000 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 \$.10 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.
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 Civil 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.
10. Attorney's fees.

V. Procedure for Requesting Reimbursement of Expenses

- A. Appointed counsel may request reimbursement of expenses through the online submission of a completed "Petition for Reimbursement of Civil Pro Bono Expenses" form on the Court's website: http://www.flmd.uscourts.gov/AttyResources/Pro_Bono.
 1. The petition will not be part of the docket or otherwise shared with opposing counsel.
 2. Appointed counsel must submit documentation with the petition.
 3. A petition 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 \$10,000 before the case is closed or the representation has otherwise ended.
 4. Appointed counsel must obtain preapproval for any single expense over \$1,500 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 Civil Pro Bono Expense Over \$1,500" form on the Court's website:
http://www.flmd.uscourts.gov/AttyResources/Pro_Bono
Appointed counsel may not include in any petition for reimbursement any single expense exceeding \$1,500 for which pre-approval was not obtained.

- B. If appointed counsel has withdrawn or been dismissed before the end of the case, 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.

VI. Authority & Procedure for Approving Requests for Reimbursement of Expenses

- A. The presiding judge may approve single or total expenses up to \$5,000. The presiding judge and the Bench Bar Fund Committee must approve single or total expenses exceeding \$5,000 but less than \$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.