

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

In re: Administrative Orders of the Chief Judge Case No. 3:21-mc-1-TJC

**STANDING ORDER ON
MANAGEMENT OF SOCIAL SECURITY CASES**

This order supersedes *In re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2)*, Case No. 6:12-mc-124-ACC (M.D. Fla.) (filed on Nov. 13, 2012) and establishes procedures for the efficient management of actions requesting judicial review of final decisions of the Commissioner of Social Security under 42 U.S.C. § 405(g) or 42 U.S.C. § 1383(c)(3) or both.

1. When a plaintiff files a complaint, the Clerk of Court must enter on the docket the name and contact information of an Assistant United States Attorney designated by the United States Attorney's Office for the Middle District of Florida.

2. After entering the name and contact information, the Clerk of Court must enter this standing order on the docket, ensuring that the designated Assistant United States Attorney receives notice of the electronic filing.

3. Unless the Commissioner of Social Security moves for service of process under Federal Rule of Civil Procedure 4(i) within fourteen days of the filing of this order, service of process is considered waived (that is, the plaintiff need not effect service of process), and the Commissioner of Social Security must respond to the complaint within ninety days of the filing of this order.

4. To fulfill the statutory obligation to file as part of any answer a certified copy of the transcript of the administrative record, the Commissioner must upload the record into CM/ECF as a standalone entry, using the title, "Social Security Transcript." Unless the presiding judge orders otherwise, the Commissioner need not provide the record in any other manner. The uploaded record must include, at the beginning, a hyperlinked index describing each part of the record.

5. For each statement of fact in a party's brief, the party must include a citation to the transcript page supporting that fact.

6. The Court suspends application of Local Rule 7.01 for actions covered by this order. A motion for fees or a motion for fees and costs must be filed as a single motion requesting a determination of both entitlement and amount.

7. Before filing a motion for an attorney's fee and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, following adoption of a report recommending reversal and remand, the parties are encouraged to consent to entry of a final order disposing of the EAJA motion by the magistrate judge. To consent, both parties must sign and file a single [AO Form 85A](#).

8. Notwithstanding Federal Rule of Civil Procedure 54(d), a plaintiff's lawyer requesting an attorney's fee under 42 U.S.C. § 406(b) or 42 U.S.C. § 1383(d)(2) or both must move for the fee within sixty days of the date on the agency's letter stating the amount of past-due benefits. The motion must (a) comply with Local Rule 3.01; (b) include the amount of any attorney's fee awarded under the Equal Access to Justice Act; (c) include the agency's letter; (d) include any applicable contingency-fee agreement; and (e) establish the fee is reasonable for the services rendered.

DONE AND ORDERED in Jacksonville, Florida this 7th day of December, 2021.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN
Chief United States District Judge