

## **UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY PROCEDURES FOR REIMBURSING PRO BONO ATTORNEYS**

Below are procedures to reimburse appointed pro bono attorneys for out-of-pocket expenses during or after litigation.

### **1. REASONABLE AND NECESSARY LITIGATION EXPENSES**

No disbursement shall be made unless it is intended to pay for reasonable and necessary litigation expenses such as subpoena fees, witness fees, attendance fees for stenographers, deposition transcripts, expert fees, requests for production of records, or a showing of good cause for any other necessary expense. Appointed pro bono attorneys or firms may apply to the presiding Judge or Magistrate Judge during the litigation or within a reasonable period thereafter for reimbursement of expenses reasonably incurred in connection with the litigation, not including attorney's fees, to be paid from the Attorney Admission Fund ("Fund").

### **2. REQUESTING PRE-APPROVAL FOR EXPENSES TO BE INCURRED**

Appointed pro bono attorneys shall request pre- approval for services needed during the litigation when the aggregate of expenses for which reimbursement is sought in an individual case exceeds \$5,000. The *pro bono* attorney need not seek pre-approval for expenses anticipated to be less than \$5,000. The attorney should submit, NOT FILE, a form supplied by the Clerk, *Application for Pre-Approval of Pro Bono Services*,<sup>1</sup> to the presiding Judge or Magistrate Judge outlining the services needed and estimated cost. If approved, the Judge will then sign the bottom of the form. The original will be returned to the attorney and a copy saved in each vicinage where the case is pending. The attorney is required to include the executed form when submitting the reimbursement voucher to the Court for payment.

### **3. REQUESTING REIMBURSEMENT OF EXPENSES**

Appointed pro bono attorneys who have received pre- approval for expenses to be incurred, should submit via email, NOT FILE, a *Reimbursement Voucher*,<sup>2</sup> along with a copy of the prior approval and supporting documentation to: [probono@njd.uscourts.gov](mailto:probono@njd.uscourts.gov). Any appointed pro bono attorneys who have not received pre-approval should also submit via email the Reimbursement Voucher with supporting documentation for the incurred expense(s) to the same email address.

### **4. RECOUPMENT OF DISBURSEMENTS**

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<sup>1</sup> *Application for Pre-Approval for Pro Bono Services* can be found on the Court's website at: [www.njd.uscourts.gov/atty/proBono.html](http://www.njd.uscourts.gov/atty/proBono.html)

<sup>2</sup> *Reimbursement Voucher* can be found on the Court's website at: [www.njd.uscourts.gov/atty/proBono.html](http://www.njd.uscourts.gov/atty/proBono.html)

a). The Court recognizes that a prevailing party may apply for costs. *See* L. Civ. R. 54.1. The Court also recognizes that in certain instances, a prevailing party may apply for attorney's fees under 42 U.S.C. § 1988 or other fee-shifting statutes.

b). So that the Fund may remain solvent and available to assist *pro bono* attorneys, any application for attorney's fees and/or costs on behalf of a party who has received reimbursement of expenses from the Fund shall include a request for assessment of any expense for which disbursement from the Fund has been made. Any such assessment shall be promptly turned over to the Clerk.