

**United States District Court  
District of Massachusetts  
Office of the Clerk**



**Guidelines Governing the Reimbursement  
of Expenses in *Pro Bono* Cases**

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**I. Eligibility for Reimbursement**

An attorney appointed by a judge of this court to represent an indigent party in a civil case may petition the court for reimbursement of certain expenses incurred in the preparation and presentation of the case, subject to these guidelines. Vj g'o czko wo 't'gko dwugo gpv'uj cm not exceed Ten Thousand (\$10,000.00) dollars per case.

**II. Restrictions on Eligibility**

- A. Any costs that are either waived or recoverable under the provisions of Title 18, U.S. Code or Title 28, U.S. Code or which have been otherwise recovered, shall not be reimbursed pursuant to these guidelines.
- B. Costs and/or fees awarded in favor of the indigent party represented by appointed counsel and against another party pursuant to a judgment or other order of the court shall not be eligible for reimbursement pursuant to these guidelines.
- C. Unless otherwise specifically approved by the court, only those costs associated with the preparation or presentation of a civil action in the United States District Court for the District of Massachusetts shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the United States Court of Appeals or the United States Supreme Court shall be reimbursed pursuant to these guidelines.
- D. Any costs or fees taxed against the represented party or appointed counsel as a result of a court ruling or as part of a judgment obtained by an adverse party in a civil action before this court shall not be eligible for reimbursement pursuant to these guidelines.

**III. Procedures for Requesting Reimbursement**

- A. Within thirty (30) days of the entry of a judgment or order of dismissal, the appointed attorney may apply for reimbursement of expenses by filing with the presiding judge a "Request for Reimbursement of *Pro Bono* Attorney Expenses" (Request) on the

form approved by the court. Attachment A. For good cause shown, an attorney may petition the court for an interim reimbursement. The Request shall not be docketed on the official docket of the case.

- B. In the event an appointed attorney has withdrawn or has been dismissed prior to the entry of judgment or order of dismissal, that attorney may file a Request within thirty (30) days of such withdrawal or dismissal for allowable expenses incurred prior to the withdrawal or dismissal. The court may condition reimbursement on a showing that attorney work product or discovery materials useful to the continues prosecution of the represented party's case have been provided to the successor counsel or, where there is no successor counsel, to the represented party.
- C. If, after a reimbursements is approved and paid pursuant to these guidelines, the appointed attorney subsequently receives from another source an amount on account of the reimbursed expenses, counsel shall, within thirty (30) days from said recovery, return to the court the amount of the prior reimbursement equal to the amount received from the other source.

#### **IV. Reimbursable Expenses**

Subject to judicial review and approval, the following out-of-pocket expenses may be reimbursed:

- A. **Depositions and Transcripts**  
The costs of depositions and transcripts may be reimbursed up to the rates, and subject to the limitations, established by the court for the taxation of costs;
- B. **Investigative, Expert or Other Services**  
Investigative, expert or other services necessary for the adequate preparation of a matter;
- C. **Travel Expenses**  
Travel may be reimbursed at actual cost if public transportation is used, or if a private vehicle is used, at the rate of reimbursement for official government travel in effect at the time the expense was incurred, plus parking, tolls and similar costs;
- D. **Service/Witness Fees**  
Service and witness fees that are not otherwise avoided, waived or recoverable;

E. **Interpreter Services**

Costs of interpreter services not otherwise avoided, waived or recoverable;

F. **Photocopies, Photographs, Printing, Long Distance Telephone Calls, etc.**

Actual out-of-pocket expenses incurred for items such as photocopies, photographs, printing, long distance telephone calls, express and overnight delivery services. Copying of documents shall be reimbursed at the rate established by the court for taxation of costs.

G. **Other Expenses**

Additional expenses may be approved by the presiding judge. However, no such additional expenses shall be eligible for reimbursement unless, prior to the expenses being incurred, the attorney shall have obtained the written approval of the presiding judge. Such approval may be obtained by means of an *ex parte* Request for approval, which shall not be docketed on the official docket of the case. When requesting reimbursement under this provision, a detailed description of the expenses shall be attached to the request for approval filed with the presiding judge.

V. **Restrictions on Reimbursement**

- A. General office overhead, including paralegal fees, are not reimbursable pursuant to these guidelines.
- B. The presiding judge may disallow any expense that is not properly documented.
- C. The presiding judge may disallow any reimbursement if it is determined that the appointed attorney did not pursue reasonable courses of recovery of expenses, including seeking statutorily permitted costs and fees, prior to application for reimbursement pursuant to these guidelines.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NON-APPROPRIATED FUND VOUCHER

Request for Reimbursement of Pro Bono Attorney Expenses

\_\_\_\_ V. \_\_\_\_ CV: \_\_\_\_
(Plaintiff) (Defendant)

I, \_\_\_\_\_ duly appointed as counsel to represent \_\_\_\_\_
in the above entitled action, hereby request reimbursement of the following expenses incurred in the representation of my client before this court:

- Fees of the court reporter for transcripts or depositions necessary for the preparation of the case \$.....
Fees for investigative or expert services \$.....
Travel expenses \$.....
Fees for service of papers \$.....
Fees for witnesses (itemized on reverse side) \$.....
Fees for interpreter services \$.....
Expenses of photocopies, photographs, long distance telephone calls, etc. necessary for the preparation of the case \$.....
Other expenses (itemized on attached sheet) \$.....
TOTAL \$.....

I certify that the expenses noted above are reasonable and necessary.

Signature of Attorney \_\_\_\_\_ Date \_\_\_\_\_

Name of Attorney/Payee \_\_\_\_\_

Mailing Address \_\_\_\_\_

Payee's Social Security Number or Employer I.D. Number \_\_\_\_\_

It is ordered that reimbursement of Pro Bono attorney expenses shall be paid to \_\_\_\_\_

in the amount of \$ \_\_\_\_\_.

\_\_\_\_ Date

\_\_\_\_ Signature of Presiding Judicial Officer