

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

PRO BONO CIVIL CASE PROTOCOL

- A. The Court encourages attorneys who are admitted to practice before it to represent parties in civil actions who cannot afford legal counsel. To further this policy, the Court has adopted a plan to facilitate the recruitment of counsel in pro bono civil cases and to allow for the reimbursement of expenses as set forth below.
- B. Any attorney admitted to practice before this Court may express his or her willingness to participate on the Pro Bono Counsel Panel by submitting an application available on the Court's website. The Court will maintain a list of attorneys who comprise the Pro Bono Counsel Panel.
- C. The Court will determine when the recruitment of counsel is appropriate based on the particular circumstances of a case. Assignment of counsel is not a right of a *pro se* litigant but may be utilized, at the Court's discretion, in limited cases where the Court believes such an assignment is warranted. This protocol does not create any procedural or substantive rights for any *pro se* litigant or attorney.
- D. The Court may contact any member of the Pro Bono Counsel Panel to request a volunteer. Once a member of the Pro Bono Counsel Panel volunteers to represent a *pro se* litigant, he or she must communicate with the newly represented party concerning the action and enter an appearance within 21 days. If a party accepts pro bono counsel, he or she agrees to cooperate fully with counsel and agrees that the party will no longer be allowed to participate in the case on his or her own.

- E. Applications for reimbursement of pro bono expenses from the Court's Bench and Bar Fund shall be submitted to the Clerk for review and recommendation to the Court. Forms requesting reimbursement are available on the Court's website.
- F. The maximum amount that may be disbursed from the Bench and Bar Fund in any case is One Thousand Dollars (\$1,000). All requests for reimbursement must be accompanied by proof that the expenses were actually incurred. Amounts paid out from the Bench and Bar Fund for allowable expenses do not have to be repaid unless the litigation results in a recovery of money, as provided in paragraph J below.
- G. A lawyer's responsibility to a client continues through the entry of judgment and the filing of a notice of appeal if the client wishes to appeal. The Bench and Bar Fund may not be used to reimburse for expenses associated with the evaluation, preparation, and presentation of an appeal to the United States Court of Appeals or the United States Supreme Court.
- H. Reimbursement is limited to the following allowable expenses:
1. Mileage and Parking. Mileage at the current rate authorized for federal employees, as well as out-of-pocket expenses for parking.
 2. Photocopies and Telephone Calls. Out-of-pocket expenses incurred for photocopying or photographs used in the case and long distance calls necessary to the preparation of the case. Copy costs may not exceed 15¢ per page.
 3. Depositions and Transcripts. Court reporter attendance fees for depositions of essential witnesses and transcription fees for such depositions.
 4. Investigative or Expert Services. Investigative or expert services which are necessary to the preparation of the case if approved in advance by the Court.

5. Service of Process Fees. Fees for service of papers and the appearance of lay witnesses at depositions and their mileage fees.
 6. Interpreter Services. The cost of interpreter services if approved in advance by the Court.
 7. Expert Fees. The cost of expert fees if approved in advance by the Court.
- I. Request for reimbursement from the Bench and Bar Fund may be filed at any time after the expenditure, however, all final requests for reimbursement shall be filed no later than thirty (30) days of entry of judgment. If a lawyer is allowed to withdraw prior to the entry of judgment, any request for reimbursement from such lawyer must be filed within thirty (30) days of withdrawal.
 - J. If the litigation results in the recovery of money through settlement, the award of fees and costs awarded under 42 U.S.C. § 1988 or any other fee-shifting statute, the award of monetary damages, or by any other means, the attorney shall repay the Bench and Bar Fund the amount it paid out for allowable costs before any recovery funds are disbursed to any other person or entity.