



United States District Court
District of Rhode Island

Guidelines for *Pro Bono* Attorneys

The United States District Court for the District of Rhode Island has adopted a Plan for *Pro Bono* Representation in Civil Cases (“Plan”). To assist appointed attorneys in their participation in the program, the Court has created this set of Guidelines to provide additional information about issues such as reimbursement for expenses, declinations of appointments, and mentorship opportunities.

I. Reimbursement Guidelines

An attorney appointed pursuant to the Plan may petition the Court for reimbursement of certain expenses incurred in the course of the representation. (See, Section V of the Plan.) In most cases, the reimbursement will not exceed \$1,500, but the Court may reimburse appointed counsel up to \$2,500 in exceptional circumstances.

A. Restrictions on Eligibility

1. Appointed counsel should first pursue any costs that are recoverable under provisions of the U.S. Code, the Court’s Local Rules, or any applicable insurance, pursuant to a contractual provision creating entitlement to recovery of costs or otherwise. Costs that are either waived or otherwise recoverable will not be reimbursed pursuant to these guidelines.
2. Costs and/or fees awarded in favor of the party represented by appointed counsel and against another party pursuant to a judgment or other order of the Court will not be eligible for reimbursement pursuant to these guidelines.
3. Unless otherwise approved by the Court, only costs associated with the representation in the United States District Court for the District of Rhode Island will be approved for reimbursement. Costs associated with the preparation or presentation of an appeal will not be reimbursed.
4. 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 before this Court shall not be eligible for reimbursement pursuant to these guidelines.

B. Procedures for Requesting Reimbursement

1. Within 45 days following the entry of a judgment or order of dismissal, the appointed attorney may apply for reimbursement of expenses by filing a “Request for Reimbursement of Pro Bono Attorney Expenses” (Request) with the Clerk’s Office. The Request must contain an itemized list of all permissible expenses incurred by the appointed attorney, and any receipts or other supporting documentation of expenses incurred.
2. If an appointed attorney has withdrawn or has been dismissed prior to the entry of judgment or order of dismissal, that attorney may file a Request within 45 days of the withdrawal for allowable expenses incurred. The Court may decide to withhold the reimbursement of expenses incurred until the conclusion of the case to properly apportion the expenses between the withdrawn counsel and any successor appointed counsel.

C. Reimbursable Expenses

The following out-of-pocket expenses may be reimbursed after review and approval by the presiding judicial officer. Appointed counsel must, on an *ex parte* basis, request advance authorization for any individual expense anticipated to be above \$500.00.

1. The costs of depositions and transcripts.
2. Investigative, expert, or other services necessary for the adequate preparation of a matter.
3. Travel Expenses—Mileage may be reimbursed at the rate of reimbursement for official government travel in effect at the time the expense was incurred, plus parking, tolls and other transportation costs.
4. Service and witness fees not otherwise recoverable.
5. Costs of interpreter services not otherwise recoverable.
6. Photocopies, Photographs, and Printing—Actual out-of-pocket expenses incurred for items such as photocopies, photographs, printing, long distance telephone calls, express and overnight delivery services, but not to exceed \$.10 per page for copying of documents. Reimbursement for the copying of documents, printing or delivery services will not be approved if the presiding judicial officer concludes that electronic transmission of the documents would have been sufficient for adequate preparation of a matter.
7. Additional expenses may be approved by the presiding judicial officer, as long as, prior to the expense being incurred, the attorney obtains advance authorization from the

presiding judicial officer. Approval for such an expense may be obtained by an *ex parte* request.

D. Restrictions on Reimbursement

1. General office overhead, and any expense not normally billed to a fee-paying client, is not reimbursable pursuant to these guidelines.

2. The presiding judicial officer may disallow any expense that is not properly documented.

3. The presiding judicial officer 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.

II. Declinations of Appointments

Under Section III of the Plan, appointed attorneys have fourteen (14) days to review the case, communicate with the potential client about the case, and otherwise ensure that there is no professional impediment that prevents acceptance of the case. Appointed attorneys are expected to act in good faith when declining appointments, and should only do so due to a conflict, workload issues, or ethical concerns. Once an attorney has determined that the case can be accepted, an entry of appearance shall be filed.

Following receipt of a conditional appointment under the provisions of this Plan, the appointed attorney may file a declination with the Court within fourteen (14) days. In that declination, the attorney should specify the reasons for the declination, if appropriate. However, no reason need be given whenever an attorney is not professionally comfortable doing so.

III. Mentorship Opportunities

The *pro bono* representation program is also an opportunity for attorneys to gain Courtroom experience under the direction of a mentor attorney. Attorneys with less than five years of civil litigation experience, and attorneys who the Court determines otherwise lack the requisite litigation experience, may accept *pro bono* appointments under the direction of a Court-provided mentor. In addition, attorneys may also indicate a preference for a mentor attorney who is not a part of the Court's *pro bono* panel. Under the provisions of the Plan, the Court may appoint an experienced attorney as a mentor attorney to the Court's *pro bono* panel *pro hac vice*.

Mentor attorneys must enter an appearance in the case, must sign and be responsible to the Court for the content of all pleadings, motions and documents filed, must attend all court proceedings unless excused, and must be prepared to assume sole responsibility of the case.