



# **PRO BONO EXPENSE PLAN**

United States District Court

Southern District of Texas

Effective  
May 2024

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Pro Bono Expense Plan

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The pro bono representation of indigent litigants is encouraged by this Court. Local Rule 83.1(E), states: "It is hoped that as a matter of public service a member of the Bar of the Southern District of Texas will accept an uncompensated assignment to an indigent's civil matter as often as every twelve months." A prevailing party in a civil rights action may seek attorney's fees under 42 U.S.C. § 1988. An attorney undertaking pro bono representation may seek reimbursement for expenses under this Pro Bono Expense Plan.

1. *Eligibility.* The United States District Court for the Southern District of Texas may reimburse attorneys for expenses incurred representing indigent litigants in civil cases filed in this court.
2. *Restrictions on Eligibility.*
  - A. An appointed attorney representing a party who recovered costs or fees, or both, pursuant to an order or agreement entered in the litigation, shall not be eligible for reimbursement of expenses under this Plan.
  - B. Unless authorized in advance by the presiding judge, expenses related to an appeal to the United States Court of Appeals or to the United States Supreme Court shall not be reimbursed under this Plan.
3. *Expenses.*
  - A. *Transcripts.* The cost of transcripts shall not exceed the regular copy rate as established by the Judicial Conference of the United States in effect at the time the transcript was prepared. Except as otherwise ordered by the presiding judge, only the cost of the original transcript will be reimbursed. If additional copies are required, photocopies will be furnished upon request.
  - B. *Depositions.* Leave to take depositions must be secured by *ex parte* application to the presiding judge.
  - C. *Investigative, Expert, or Other Services.*
    - (1) Upon request - Counsel for an indigent litigant whose case requires investigative, expert, or other services may request such services in an *ex parte* application to the presiding judge, who may authorize counsel to obtain such services as are deemed necessary.
    - (2) Without Prior Request - Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for the adequate preparation of the case. The total cost of services obtained without prior authorization may not exceed \$500.00, plus expenses reasonably incurred.
  - D. *Travel Expenses.* Travel by privately owned automobile may be claimed at the current mileage rate authorized for federal employees. Parking fees are also reimbursable. Meals

and lodging expenses may be claimed at the rate authorized for federal employees.

- E. *Fees for Service of Process.* Fees for private process servers should be avoided. If personal service of a summons or subpoena is necessary, an *ex parte* motion requesting service by the U. S. Marshal shall be filed with the presiding judge. See [Fed. R. Civ. P. 4\(c\)\(3\)](#).
- F. *Photocopying.* Commercial photocopying expenses should be avoided as much as possible. Copies of material on file with the Clerk will be furnished without cost to counsel. Copies of material necessary for the prosecution of the case in the possession of opposing parties can be obtained through discovery procedures. If commercial photocopying is necessary, an itemization should be furnished.
- G. *Delivery and Messenger Service.* Delivery and messenger services should be avoided. If an emergency exists, an extension of time should be requested.

4. *Restrictions on Reimbursement.*

- A. General office expenses, including personnel costs, rent, telephone services, secretarial help, office photocopying equipment, and any general expense that would normally be reflected in the fee charged to a client are not reimbursable.
- B. The presiding judge may disallow reimbursement for any expense claimed without suitable documentation.
- C. Under no circumstances shall funds be authorized to pay costs or fees taxed against a party for whom counsel is appointed as part of a judgment obtained by an adverse party in a civil action before this court.
- D. Reimbursement under this Plan generally shall not exceed \$5,000.00. However, if the reasonable and necessary expenses exceed that amount in a case of unusual character or duration, the presiding judge may recommend a larger sum for approval by the chief judge or his/her designee.

5. *Procedures.*

- A. The presiding judge may authorize interim reimbursement of costs during the pendency of the case. In any event, within thirty days after entry of judgment in the case, the appointed attorney shall file with the presiding judge the final request for reimbursement of costs. All requests for reimbursement shall be on a form approved by the Court and available from the Clerk.
- B. If an appointed attorney has withdrawn or been dismissed prior to the entry of judgment, that attorney may file a request for reimbursement within thirty (30) days of such withdrawal or dismissal. Any work product obtained with Court funds must be given to the newly appointed attorney or, where no new counsel is appointed, to the party for whom counsel was appointed.
- C. Counsel reimbursed under this plan shall return to the Court within thirty (30) days any amount subsequently recovered from some other source connected with the subject litigation.



**INSTRUCTIONS FOR COMPLETING  
REQUEST FOR REIMBURSEMENT OF EXPENSES**

1. **ELIGIBILITY**: Attorneys appointed to represent indigent litigants in civil cases may be eligible to request reimbursement of expenses associated with pro bono matters before the U.S. District Court for the Southern District of Texas. For complete information on eligibility and restrictions on reimbursement, please refer to the Pro Bono Expense Plan, available in the Clerk's Office.
2. **DEPOSITIONS AND TRANSCRIPTS**: Reimbursement for deposition and transcript expenses may be approved by the presiding judge when reasonable.
3. **INVESTIGATIVE, EXPERT, OR OTHER SERVICES**: Request for these services should be made in an *ex parte* application for authorization by the presiding judge. The maximum allowable without prior authorization is \$500.00 plus reasonable expenses.
4. **TRAVEL EXPENSES**: Mileage for the use of privately owned automobiles and lodging expenses will be paid at the current rates authorized for federal employees. The following information must be furnished:
  - a. Destination of travel.
  - b. Round trip mileage.
  - c. Dates of travel.
  - d. Purpose of travel.See the Pro Bono Expense Plan regarding other travel expenses.
5. **OTHER**:
  - A. **SERVICE OF PROCESS**: If personal service of process is necessary, an *ex parte* motion and order requesting service by the U.S. Marshal shall be filed with the presiding judge.
  - B. **REPRODUCTION**:
    1. Copies of material on file with the Clerk will be furnished without cost to counsel.
    2. Copies of material in the possession of opposing parties necessary for the prosecution of the case should be obtained through discovery procedures.
    3. Photocopying expenses should be avoided as much as possible. Necessary expenses should be itemized.
  - C. **DELIVERY AND MESSENGER SERVICE**: Delivery and messenger service should be avoided. If an emergency exists, an extension of time should be requested.
6. **ADDITIONAL INFORMATION**: For additional information regarding this form or the Pro Bono Expense Plan, please contact:

U.S. District Clerk's Office  
Pro Bono Expense Plan  
Post Office Box 61010  
Houston, Texas 77208  
713-250-5500