

LOCAL RULE 83.6
ASSESSMENT FOR OUT-OF-POCKET EXPENSES

Rule XI(A) of the Appendix to these rules is hereby amended as follows:

(1) The \$5.00 assessment fee authorized in Rule XI(A) may be used to establish a "Library Fund" to reimburse attorneys for out-of-pocket expenses when the attorney has been appointed under Title 28, United States Code, Section 1915. These funds shall be used to pay only those expenses where no funds are available from other sources to cover the out-of-pocket expenses.

(2) It shall be the sole discretion of the judges if the fund collected shall be deposited to the "Appendix Rule XI(A) Fund" or to the "Library Fund." There will be a separate "Library Fund" maintained for the Eastern and Western Districts of Arkansas. Funds will be divided between the districts following each assessment. The manner for deciding the division of funds will be based upon the residence of attorneys in the court's database. Additional funds may be transferred from one district to another based upon the demonstration of need. Those fees which have been heretofore collected pursuant to Rule XI(A) of the Appendix have been deposited to the "Appendix Rule XI(A) Fund" and shall remain so deposited in an interest bearing account, to be used exclusively for the payment of costs incurred in attorney discipline matters.

(3) Until otherwise ordered by the Court, the Clerk for the Eastern District of Arkansas shall collect the \$5.00 assessment fee from attorneys and deposit it into an interest bearing checking account for the reimbursement of unusual expenses of appointed attorneys in actions where counsel was appointed under 28 U.S.C. Sec. 1915, or for transfer to the "Library Fund" for the Western District of Arkansas.

(4) CUSTODIAN.

The custodian of the "Appendix Rule XI(A) Fund" shall be the Clerk for the Eastern District of Arkansas. The custodians of the "Library Fund" shall be the Clerk for each respective district, whose responsibilities shall be those set out in the Accounting Standards established by these courts. A copy of the Accounting Standards shall be maintained on file in the Clerk's office in each district.

(5) APPLICATION AND DISBURSEMENT.

(a) Application. Application for disbursement from this fund shall be made in accordance with the policies and guidelines (which is Exhibit A to this Rule) established by these courts. The application will contain the information prescribed in paragraph 3 of policy

guidelines.

(b) Disbursement. The custodians of the "Library Fund" shall make disbursement from the respective Funds in accordance with the policies and guidelines (Exhibit A) established by these courts. Disbursement shall be made only upon order of the proper court in the form attached hereto as Exhibit B.

(6) All other provisions pertaining to the collection of this fee pursuant to Rule XI(A) of the Appendix are made applicable to the collection of the fee for the "Library Fund."

(7) CRITERIA FOR OTHER USES FOR THE FUND.

When the "Library Fund" or the "Appendix Rule XI(A) Fund" exceeds \$50,000.00, the portion in each fund in excess of that figure may be used, to the extent specifically authorized by the Court for the advancement of the courts of the United States, the legal profession, jurisprudence, or other aspects of the systems of justice in the United States. Upon the approval of a majority of the judges from the district holding the funds, an order may be entered on behalf of the Courts by the Chief District Judge directing the Clerk of Court to disburse such excess funds for such purposes.

Adopted and effective July 1, 1985
(7) Amended and approved November 8, 1990
Amended and approved April 30, 2007

EXHIBIT A
TO
LOCAL RULE 83.6
REIMBURSEMENT OF OUT-OF-POCKET EXPENSES OF APPOINTED COUNSEL
POLICY GUIDELINES

This Court has determined that monies derived from the annual fees paid by attorneys admitted to practice before this Court may be used to reimburse attorneys appointed pursuant to 28 U.S.C. Sec. 1915 for out-of-pocket expenses and to pay any court-appointed experts when necessary. With respect to these purposes, the following guidelines are established:

(1) The Clerk of Court for each respective district shall monitor the fund and make a written report of the use of the fund and the fund balance to the Judges and Magistrate Judges of their district by the tenth day in each month.

(2) Before an attorney expends an amount above \$500.00, for which that attorney intends to seek reimbursement from the fund, written approval must be obtained from a District Court Judge or a Magistrate Judge.

(3) Before any single expenditure from the fund in excess of \$500.00 is authorized, or approval of a request by an attorney to expend in excess of \$500.00, the District Court Judge or Magistrate Judge shall inquire of the Clerk of Court for each respective district as to the impact of that expenditure on the fund.

(4) All requests by attorneys for disbursements or requests for approval of expenditures shall be by written application, containing the following information:

- (a) The date of the application;
- (b) The caption of the cause of action;
- (c) The name and address of the attorney requesting the disbursement or approval of expenditure;
- (d) A detailed itemization of all costs and expenses for which the disbursement or expenditure is requested; and
- (e) A brief explanation of how the requested disbursement or expenditure complies with the guidelines and policies established by the Court for disbursements from the fund.

(5) All disbursements, pursuant to requests by attorneys, from the fund shall be made only by order of a United States District Judge or a United States Magistrate Judge in the form attached as Exhibit B.

Revised and effective February 22, 1994

Revised and effective April 30, 2007

EXHIBIT B
TO
LOCAL RULE 83.6

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

Plaintiff)
v.)

Defendant) Case No. _____

ORDER

Pending before the Court is the Application of _____ [Date] _____ by _____ [Attorney] _____
_____ for the reimbursement of out-of-pocket expenses. Having considered the application pursuant to the guidelines and policies of the Library Fund, the Court orders that the Clerk of the Court disburse money from the Library Fund in the amount of _____ (\$_____) and distribute it to the named applicant. A copy of this Order, together with the application, shall be placed in the Library Fund file maintained by the Clerk of the Court.

IT IS SO ORDERED this _____ day of _____, 20____.

UNITED STATES DISTRICT JUDGE OR
UNITED STATES MAGISTRATE JUDGE

Revised and effective January 1-2, 1988
Revised and effective April 30, 2007