FY 2020-2021 Pro Bono / Judicare Litigation Fund Guidelines

Administered by: PRO BONO RESOURCE CENTER OF MARYLAND, INC. (PBRC)

How to Request Reimbursement from the Litigation Fund:
Litigation Fund requests must now be submitted online at www.probonomd.org/litigation-fund. Please complete all required all information and attach supporting receipts/documentation of your claimed expenses. Hard copy and emailed requests are no longer accepted.

1. AVAILABILITY OF FUNDS
Please be aware:
- Funds are available to Judicare and pro bono attorneys handling cases through MLSC-funded agencies ONLY.
- Funds are limited and may be exhausted before the end of the fiscal year. Reimbursement is subject to the availability of funds and is disbursed on a first come, first served basis. There is no guarantee that requests will be approved, and reimbursements are subject to review by PBRC.
- The FY 2020-2021 Litigation Fund is available only for eligible expenses incurred July 1, 2020 to June 30, 2021.
- PLEASE NOTE: PBRC will not issue reimbursements for requests that total $10.00 or less.

2. SUBMISSION DEADLINES
Requests should be submitted within 60 days of the incurred expense. However, please note that the FY 2020-2021 Litigation Fund closes on July 1, 2021. Requests for reimbursement of expenses incurred on or before June 30th must be received at PBRC by July 1, 2021 in order to be considered.

3. MAXIMUM ALLOWABLE LIMIT
There are two caps:
- $1,000 per attorney per fiscal year (July 1 – June 30), whether single fee or aggregate.
- $1,500 over the lifetime of a case, whether single fee or aggregate.

4. REQUEST PRO BONO OR DISCOUNTED SERVICES PRIOR TO SUBMISSION
Because funds are limited, all legal service programs and pro bono attorneys are encouraged to seek pro bono or discounted services prior to requesting reimbursement.

5. CONTRIBUTIONS FROM OPPOSING PARTY
The Litigation Fund is not intended to subsidize costs for the opposing party. Unless court rules indicate otherwise, pro bono attorneys are encouraged to seek contribution for discovery and other litigation costs from the opposing party.

6. DOCUMENTATION REQUIRED
Please complete an online Request Form and attach supporting documentation for your claimed expenses. Acceptable supporting documentation includes receipts, invoices, billings of amounts payable, etc. No request will be approved without full documentation.

7. COURT COSTS, FEES & WAIVERS
Under Maryland Rule 1-325, indigent clients in an original action in a circuit court or district court are entitled to an automatic waiver of prepaid costs (e.g., fee to file an initial complaint or a motion to reopen a case, a fee for entry of the appearance of an attorney, and any prepaid compensation, fee, or expense of a master, examiner, or family magistrate) if their attorney is representing them through an organization identified by the Maryland Legal Services Corporation under section (d) of the amended rule. Volunteers should review and follow 1-325 instead of requesting reimbursement from the Litigation Fund for prepaid costs like filing fees and appearance fees.

For several years, Maryland legal services providers advocated for a fee waiver of probate fees for low income clients, similar to the filing fee waivers available in district and circuit courts. The probate fee waiver law went into effect on October 1, 2019. Clients who are being represented by organizations funded by the Maryland Legal Services Corporation are eligible for a waiver of probate fees. To take advantage of this waiver, the volunteer must submit the Request for Waiver of Fees (Form RW1220). (The Baltimore City Register of Wills also requests that the client’s placement letter from the provider be submitted as proof that the client is being represented through a provider funded by MLSC.) Volunteers should pursue waivers of probate fees instead of requesting reimbursement for these case expenses from the Litigation Fund.

At present, bankruptcy filing fees will not be reimbursed by the Litigation Fund.
8. **OFFICE EXPENSES**

The expenses involved must be non-routine cash expenditures outside the normal scope of office operations. There will be no reimbursement for such items as the value of secretarial time, local phone calls, minor numbers of copies made on office copiers or postage for routine correspondence. PBRC reserves the right to deny requests that are excessive. The following is the list of routine reimbursable items:

- Mileage: $0.50 per mile
- Substantial photocopies: up to $0.10 per page
- Faxes: $1.00 per page
- Large mailings and registered mail
- Courthouse copies

9. **SERVICE OF PROCESS**

All legal service programs and attorneys are encouraged to seek pro bono or discounted services prior to requesting reimbursement. Please contact Annie Speedie at aspeedie@probonomd.org or 443-703-3051 for discounted process server information. If pro bono/discounted services are not available, costs to hire a company in your area for service of process may be reimbursed.

10. **DEPOSITIONS AND EXPERT WITNESSES**

Costs of expert witnesses are reimbursed only where the attorney supports the request with a statement that there were no less costly alternatives available that would have been acceptable under general standards of professional practice. Every effort should be made to negotiate a reduced fee from an expert witness. **Prior approval of these expenses by PBRC is required to be considered for full reimbursement.**

11. **APPEALS**

Appellate costs will not be reimbursed without prior approval of the expenses by PBRC.

12. **SMALL ESTATE EXPENSES IN “TANGLED TITLE” CASES**

Expenses in “tangled title” cases for which resolution has been delayed due to a client’s inability to pay the various costs associated with opening an estate and/or re-titling a property may be covered under the Litigation Fund. The following is a list of small estate expenses PBRC anticipates considering for coverage in FY21. Please contact PBRC regarding possible coverage of a small estate expense not listed below.

- Unwaived probate fees for opening a small estate (under $100K) (see second paragraph of section 7.)
- Bonding
- Publication fees
- Lien certificate
- Deed recordation fees
- Certified mailing fees
- Copies of death certificate

**NOTE:** The Litigation Fund cannot be used toward a client’s unpaid bills such as water bills or property taxes. Additionally, if the client previously covered some of the necessary estate administration fees in their case, those fees will not be eligible for reimbursement.

13. **ATTORNEY TIME**

The Litigation Fund does not cover attorney time. **Judicare volunteers must direct their requests for payment of time to the agency through which they accepted the Judicare case.**

14. **OTHER EXPENSES**

This policy does not specify all allowed expenses, and the Litigation Fund has been used in the past to cover expenses like transcripts, reproduction of subpoenaed records, parking, and publication fees, for example. If you have an eligibility question about an expense, please contact Annie Speedie at aspeedie@probonomd.org.

**Questions? Contact Annie Speedie at:**

443-703-3051 or aspeedie@probonomd.org

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These guidelines are subject to change. Please contact PBRC with any questions. Last updated July 2020