

FY 2024-2025 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 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 2024-2025 Litigation Fund is available only for eligible expenses incurred July 1, 2024 to June 30, 2025.**
- ***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 2024-2025 Litigation Fund closes on July 1, 2025.** Requests for reimbursement of expenses incurred on or before June 30th **must** be received at PBRC by July 1, 2025 in order to be considered.

3. MAXIMUM ALLOWABLE LIMIT

There are two caps:

- \$1,500 per attorney per fiscal year (July 1 – June 30), whether single fee or aggregate. Up to \$1,000 can be used towards litigation expenses in one or more pro bono cases. Up to \$1,500 can be used for eligible Judicare cases.
- \$2,000 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 Liz Twigg at ltwigg@probonomd.org 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. 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 Liz Twigg at ltwigg@probonomd.org.

15. **HARDSHIP REQUESTS**

A New "Hardship Request" will be available to help reimburse volunteer attorneys facing exceptionally high litigation expenses in Judicare cases of extreme hardship.

- The Hardship Request is intended to provide a mechanism for volunteer attorneys to receive reimbursement over the amount allowed by the revised attorney yearly cap (\$1,500) and/or the case lifetime cap (\$1,500) if the provider placing the Judicare case with the volunteer certifies and explains the extenuating circumstances in the case that warrant the volunteer having access to additional funds.
- All other Litigation Fund policies remain in effect. Click [here](#) to review the policy.
- To request a reimbursement from the Hardship Fund, two components are required:
 - [The standard request form](#), and
 - A written explanation describing the extenuating circumstances in the Judicare case that warrant the volunteer having access to additional funds. This can be drafted by the volunteer or provider staff, but it must be signed and submitted by provider staff via email to Liz Twigg, the Litigation Fund Administrator (ltwigg@probonomd.org).
- Hardship requests will be reviewed and distributed up to twice a year on a first come, first served basis depending on the availability of Judicare funds.
 - To be eligible for review at the mid-year, hardship requests must be received by December 10th.
 - To be eligible for review at the year-end, hardship requests must be reviewed by June 10th.
 - If, at the mid-year of the fiscal year, more than half of the total funds available for Judicare cases has been spent, PBRC will hold all hardship requests for review at the end of the fiscal year and defer distribution decisions until that time.
 - Approval of hardship requests is not guaranteed and remains subject to availability of funds and PBRC review.

Questions? Contact Liz Twigg at ltwigg@probonomd.org