

Rule 12.06 (FRCP 83) Appointed Counsel's Fees and Expenses in Civil Cases

(A) Fee Agreements.

In a civil case, appointed counsel and the party represented may enter into a contingent fee agreement only upon the Court's approval of the terms of the agreement, as set forth in a joint motion of appointed counsel and the party. Appointed counsel may not condition the undertaking or continuation of the party's representation on the making of such an agreement.

(B) Party's Ability to Pay for Legal Services.

If at any time the party represented becomes able to afford private counsel, the appointed attorney or the party shall so notify the Court in writing provided the attorney may do so consistent with all applicable ethical rules. If the appointment of counsel is vacated because of the party's ability to afford counsel, the appointed attorney and the party may enter into a fee agreement for the attorney's continued representation.

(C) Award of Attorney's Fees and Costs.

Appointed counsel representing a prevailing party may apply for an award of reasonable attorney's fees and costs against the opposing party, where such an award is authorized by applicable statute, rule or other provision of law.

(D) Expenses.

To the extent reasonable in light of his or her financial condition, a party represented by appointed counsel shall bear the expenses of the litigation. Pursuant to Local Rule 12.03, appointed counsel may apply for reimbursement of expenses and attorney's fees from the Court's Attorney Admission Fee Non-Appropriated Fund.