

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF PUERTO RICO

3 IN THE MATTER OF:

4 CM/ECF REFUND OF FEES PAID
5 ELECTRONICALLY THROUGH PAY.GOV

Misc. No. 03-149 (JAF)

6 STANDING ORDER #6

7 In March 2005, the Judicial Conference approved guidance for the
8 refund of fees that are paid electronically. The Conference's policy
9 regarding the refund of filing fees, in effect for many years, has
10 been broadly interpreted to generally prohibit refunds of fees due
11 upon filing, even if a party filed the case in error or the court
12 dismissed the case or proceedings.

13 With the advent of Case Management/Electronic Case Files
14 (CM/ECF), however, difficulties with the application of the refund
15 policy have greatly increased as filing parties can inadvertently
16 make erroneous or duplicate payments online. Thus, the new policy is
17 an attempt by the Judicial Conference to permit a limited refund
18 authority when user errors in electronic payments are made. The new
19 refund policy is intended to assist the courts in the exercise of
20 their discretion in this area. The policy does not amend the general
21 refund policy; it only provides that each court's procedures for
22 addressing fee refunds in CM/ECF should be developed by the district
23 court and set forth by local rule or standing order.

24 The following procedure shall govern requests for a refund of
25 fees paid electronically:

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U.S. DISTRICT COURT
SAN JUAN, P.R.
CLERK'S OFFICE

#10

- 1 1. Judicial Conference policy generally prohibits the refund
2 of fees. Consistent with new Conference policy on the
3 subject, however, the clerk's office may refund electronic
4 payments made when no payment was required; where the
5 payment was a duplicate of previous payments made, or when
6 the payment exceeds the actual amount owed for the
7 transaction.

- 8 2. Although the authority to approve a refund is a judicial
9 determination, this function shall be delegated to the
10 Clerk of Court, consistent with the procedures set forth
11 herein.

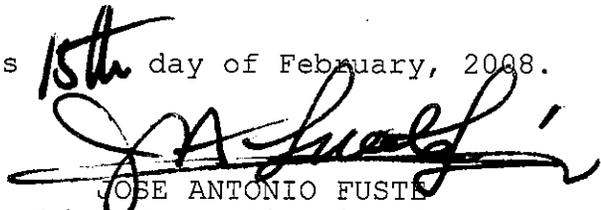
- 12 3. Requests for refunds shall be made in writing, addressed to
13 the Clerk of Court. Persons denied a refund by the Clerk
14 of Court may seek review by a judicial officer by filing a
15 motion for refund. If the refund relates to a fee
16 associated with an assigned case, it will be reviewed by
17 the presiding judge; otherwise, it will be reviewed by the
18 Chief Judge.

- 19 4. Refunds shall be processed through the electronic
20 credit/debit card system and no refund shall be issued by
21 check.

- 22 5. In the event that a particular attorney or law firm
23 continues to make repeated mistakes when submitting fees
24 electronically, the court may consider remedial action,
25 such as issuing an order to show cause why further requests
26 for refunds should be considered.

27 **IT IS SO ORDERED.**

28 San Juan, Puerto Rico, this 15th day of February, 2008.

29
30 
31 JOSE ANTONIO FUSTE
 Chief U. S. District Judge