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U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

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CEDAR RAPIDS HDQTRS. OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

In The Matter of Authority to
Refund Erroneous or Duplicate
On Line Filing Fee Payments.

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No. 06-AO- 0011-P

ADMINISTRATIVE ORDER

BY D. Latay

In March 2005, the Judicial Conference approved the attached guidance for the refund of fees that are paid electronically. In effect since 1949, the Conference's current policy regarding refunding filing fees has been broadly interpreted to generally prohibit refunds of fees due upon filing, even if a party filed the case in error, or the court dismissed the case or proceeding.

With the advent of electronic filing, difficulties with the application of the refund policy have greatly increased as filing parties can inadvertently make erroneous or duplicate payments on line. The Judicial Conference has endorsed the attached guidance which addresses only limited refund authority by the courts when user errors in electronic payments are made and is intended to assist the courts in the exercise of their discretion in this area. This guidance does not amend the general refund policy.

The Clerk of Court is hereby granted the authority to refund a fee paid by an ECF user when the ECF user has used ECF to pay a fee by credit card, and the fee was paid erroneously in that the payment constituted:

- a. a duplicate fee payment related to the submission of a single document (including a single document erroneously submitted two or more times); or
- b. a fee payment when no fee was due (e.g., when no document was attached to a submission, or the submission did not require payment of a fee).

To obtain a refund, the ECF user must make a written request to the clerk. All such refunds paid by the clerk to the ECF user must be processed through the court's electronic credit card system.

In addition, if an ECF user makes an erroneous filing for which a fee would normally be due, but the fee has not yet been collected, the court delegates to the clerk the authority to correct the erroneous filing administratively and not collect the fee.

In the event a particular attorney or law firm continues to make repeated mistakes when submitting fees and requesting refunds, the Clerk of Court may request that the court issue an order to show cause why further requests for refunds should be considered.

IT IS SO ORDERED.

DATED this 12th day of December, 2006.

Mark W. Bennett
MARK W. BENNETT
CHIEF UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF IOWA

The Judicial Conference has a long-standing policy prohibiting the refund of fees. In a paper environment, this policy has been fairly simple to administer, but questions have greatly increased since the implementation of Case Management/Electronic Case Files (CM/ECF), which encompasses the ability to collect filing fees electronically via credit card. This guidance seeks to assist courts in determining when to exercise their discretion in addressing fees paid electronically.

- Judicial Conference policy generally prohibits the refund of fees; this guidance addresses only limited refund authority by the courts when errors in electronic payments are made.
- A court's procedures for addressing fee refunds in CM/ECF should be developed by the judges of the court in conjunction with their clerk.
- The authority to approve a refund is a judicial determination. This determination may be delegated to the clerk as long as the court's procedures clearly address the type of refund that a clerk can approve.
- Requests for refunds should be made by either motion or application, and procedures governing refunds may be set forth by local rule or standing order.
- If the court discovers an erroneous filing for which a fee has not yet been collected, the court may correct the erroneous filing administratively and not collect the fee.
- Refunds should be processed through the electronic credit card system; courts should not issue refunds through checks.
- In the event that a particular attorney or law firm continues to make repeated mistakes when submitting fees and requesting refunds, the court may consider remedial action, such as issuing an order to show cause why further requests for refunds should be considered.