

GENERAL ORDER NO. 68

POLICY ON COURT REFUNDS OF FEE OVERPAYMENTS

The Judicial Conference of the United States has a long-standing policy that generally prohibits the refunding of fees, subject to the following narrow exceptions: duplicate payments or other erroneous overpayments of fees, special assessments, fines or restitution may be refunded. The court hereby delegates its authority to the Clerk of Court to administer refunds in such limited circumstances. Records of all fee refunds shall be maintained for a minimum of seven years.

- I. The following refund procedures apply to fees not paid electronically via Pay.gov:
 - A. If a party discovers an overpayment, the party may request a refund by writing to the Clerk of Court. The letter should explain the circumstances leading to the request and specify the amount of the requested refund.
 - B. Upon receipt of a request for a refund or, in the event that court staff discover an overpayment, a Clerk's Office supervisor will review the information and, if appropriate, approve the refund.
 - C. If approved by a supervisor, the request or court-initiated overpayment information will be transmitted to the Financial Administrator for review and data entry, and thereafter to the Chief Deputy of Administration for final processing of the refund. If for any reason the request is denied, the requesting party shall be promptly notified of the reason for the denial.

- II. The following procedures apply to fees paid electronically via Pay.gov:
 - A. The Clerk of Court may refund only duplicate payments in which the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges and erroneous payments in which the payor has inadvertently made a fee payment when no fee was due.
 - B. To request a refund after making a duplicate or erroneous overpayment, the payor should, complete an Application for Refund form, which is available under the Forms section of the court's website. The Application for Refund should then be submitted to the Clerk of Court via the court's CM/ECF system by selecting "Application for Refund" from the CM/ECF events menu.
 - C. Upon receipt of the Application for Refund, the Financial Administrator may approve or deny an application for refund.
 - D. The approval or denial of the application for refund will be entered on the case docket.

- E. If the Financial Administrator denies an application for refund, the payor may make written request to the Clerk of Court to review the basis for the denial, if the Clerk of Court upholds the denial, the payor may, within ten business days of the Clerk's denial, file a motion making a request that the assigned judge or the Chief Judge if it is not case specific review the denial.
- F. All authorized refunds shall be processed through the electronic credit card system, Pay.gov. If the payor's credit card is no longer valid, the Clerk of Court may cause a check to be issued through the United States Treasury. In no event shall the Clerk of Court make a cash refund.
- G. In the event that an attorney or law firm repeatedly requests refunds for mistakes made when paying filing fees online, the Clerk of Court may request that the Chief Judge issue an order to show cause why additional requests for refunds by that attorney or law firm should not be denied. The order to show cause will be filed under a miscellaneous case.

IT IS SO ORDERED.

ADOPTED: November 21, 2011

FOR THE COURT:



JAMES WARE
CHIEF JUDGE