

United States Court of Federal Claims

ELECTRONIC FILING FEE REFUND POLICY

ORDER

This Order establishes procedures for the refund of duplicate or erroneously paid filing fees that are generated during the electronic filing of documents. The Judicial Conference of the United States has generally prohibited the refund of filing fees (JCUS-MAR 49). However, in March 2005, the Judicial Conference of the United States issued guidance endorsing limited refund authority by the courts as a result of the increased likelihood of inadvertent, erroneous, or duplicate payments made by parties using the Case Management/Electronic Case Files (CM/ECF) system. The Judicial Conference further advised that determining appropriate policies and procedures for refunding erroneously applied filing fee payments should be left to the sound discretion of each court.

ACCORDINGLY, IT IS ORDERED, that the Clerk of the United States Court of Federal Claims, or her designee, is authorized to refund all fees erroneously paid through the Pay.gov electronic filing fee tool in CM/ECF when:

1. discovered by the court or clerk's office that a fee has been paid erroneously; or
2. an attorney files a request for refund and it can be determined by the clerk or her designee that the fee has been erroneously paid.

Attorneys seeking a refund must submit a written application in the form of a letter. The letter must include the name, address, and telephone number of the party requesting the refund. Supporting documentation must be attached, including a copy of the electronic payment receipt and the Notice(s) of Electronic Filing generated from the court's electronic CM/ECF system. The letter and supporting documentation must be filed electronically in the case associated with the erroneous payment using the CM/ECF event SEALED Filings > Sealed Motions > Request for Filing Fee Pay.gov Refund.

Upon verification of the erroneous payment, the clerk's office will process the refund to the same credit card used to make the erroneous payment and will make a record of the refund on the docket. Refund checks will not be issued.

In the event an attorney or law firm consistently errs when submitting fees and therefore repeatedly requests refunds, the court will consider remedial action and may issue an order to show cause why further requests for refund should be considered.

IT IS SO ORDERED, this 14th day of February 2023.

s/Elaine D. Kaplan
ELAINE D. KAPLAN
Chief Judge