District Local Rule Civ 54.4 (Civil)

SOCIAL SECURITY FEE MOTIONS UNDER 42 U.S.C. §§ 406(b) AND 1383(d)(2)

(a) A motion for attorney fees under 42 U.S.C. §§ 406(b) or 1383(d)(2) must be filed within thirty (30) days of counsel's receipt of the last Notice of Award necessary to calculate the total amount of retroactive benefits.

(b) The motion must be accompanied by a certificate of service attesting that the motion has been served on the claimant.

(c) The claimant and/or the defendant may file a response brief within twenty-one (21) days after receipt of the motion. Claimant's counsel may submit a reply brief within fourteen (14) days of any response brief.

Related Authority

42 U.S.C. §§ 406(b) and 1383(d)(2)

Advisory Committee Notes

The procedures set forth in this rule apply to motions for attorney fees brought under 42 U.S.C. §§ 406(b) or 1383(d)(2), which allow an attorney to request fees from a social security claimant's past-due benefits. This rule does not apply to motions for fees under the Equal Access to Justice Act, which are governed by 28 U.S.C. § 2412(d).