

**United States District Court
for the
Northern District of New York**

General Order #41

In the Matter of: Delegation of Authority to the Clerk to Refund overpayment of:

- 1) Filing Fees
 - 2) Attorney Admission Fees
 - 3) Overpayments of Criminal Debt
-

The Judicial Conference has a long-standing policy of not refunding filings fees (JCUS March 49, p.202). With the advent of electronic case filing and the ability to pay fees electronically via Pay.gov, the Court has experienced an increased number of payment errors which have resulted in the overpayment of fees. This Order promulgates procedures for the refunding of “duplicate” filing, admission or biennial fees. In addition, this Order shall also cover overpayments made in criminal cases such as duplicate or overpayments for Special Assessments, Fines, and Restitution.

Parties requesting a refund must follow the application procedures established by the Clerk of Court¹. The application requesting a refund shall explain the circumstances leading to the request and the amount of the requested refund. Upon approval by the Clerk, the finance office will process the request for a refund. The application along with proof of payment of the refund will be maintained by the Clerk in accordance with the Guide to Judiciary Policies and Procedure.

IT IS ORDERED that the Clerk of Court, or his designee, shall be authorized to refund a fee or overpayment if erroneously paid:

- 1) if discovered by the Court or the Clerk’s Office that a fee has been erroneously paid;
- 2) if an attorney files a request for a fee refund and it can be determined by the Clerk of Court, or his designee, that the fee has been erroneously paid; and
- 3) if the Court or Clerk’s Office discovery that a duplicate or overpayment has been

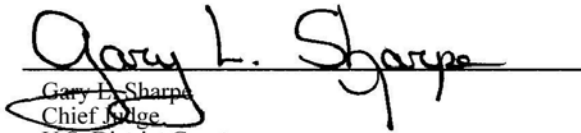
¹Attached to this General Order are instructions for obtaining a Refund for overpayment of fees or criminal debt.

made on a criminal debt account, such as an overpayment of a special assessment, fine, or restitution, the Clerk is authorized to refund the overpayment after confirming that the account has been paid in full, or the defendants' portion of Court Ordered restitution has been paid in full.

Upon verification of the error, the refund shall be processed back by government check if the payment was made in cash, check, or (ACH - debit card). If the original payment was made *via* credit card, the refund shall be in the form of a credit to the credit card from which the original payment was made.

IT IS SO ORDERED:

This 5th day of June, 2012 at Albany, New York.



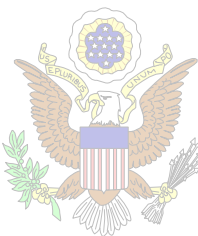
Gary L. Sharpe
Chief Judge
U.S. District Court

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LAWRENCE K. BAERMAN
Clerk

JOHN M. DOMURAD
Chief Deputy

DAN MCALLISTER
Chief Deputy



James M. Hanley Federal Building
P.O. Box 7367, 100 S. Clinton St.
Syracuse, New York 13261-7367
(315) 234-8500

REFUND OF FEES PAID

Background:

Pursuant to the Court's Administrative Procedures for Electronic Case Filing, Section 4.1:

Electronic transmission of a document to the System in accordance with these Administrative Procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this Court and constitutes entry of the document on the docket that the Clerk's Office keeps under Rules 58 and 79 of the Federal Rules of Civil Procedure Rules 49 and 55 of the Federal Rules of Criminal Procedure.

Judicial Conference Policy generally prohibits the refund of fees; however, refunds may be issued upon the approval under limited circumstances, such as:

1. When an overpayment has been made by the filer; or
2. When a duplicate, identical complaint, notice of appeal, or motion for admission pro hac vice is filed more than once by the same attorney or the same law firm.

Procedures:

1. A refund of fees paid via Pay.Gov shall be made by completing the online request found on the court's website at <http://www.nynd.uscourts.gov/refund-fees-paid>
2. The application must contain the following information:
 - a.. Date of Request
 - b. Full and correct account holder name
 - c. Credit Card type and full number, including expiration date
 - d. Current and complete billing address
 - e. Reason for refund
 - f. Case Number, if seeking refund of duplicate filing fee(s)
(If new complaint filed to the 5:00-at-99999 case, please include the case name)
 - g. Date of Pay.Gov transaction
 - h. Receipt Number or Pay.Gov tracking ID Number
3. Upon filing, the Clerk's Office will review the application, and if appropriate, issue a Clerk's Order approving a refund. The Financial Unit will issue a refund by treasury check if the payment was made in cash, check, or ACH - debit card. If the original payment was made *via* credit card, the refund shall be in the form of a credit to the credit card from which the original payment was made. For credit card refunds, an email confirmation will be sent to the requesting party's email address.