

Linda Landry

From: Linda Landry [llandry@dlc-ma.org]
Sent: Wednesday, September 03, 2008 8:39 AM
To: 'disability@legalaidlists.org'
Subject: FW: EAJA Fee Payments clarification bill

Importance: High



mailing.pdf
(406 KB)

-----Original Message-----

From: info@nosscr-news.info [mailto:info@nosscr-news.info]
Sent: Tuesday, September 02, 2008 7:24 PM
To: llandry@dlc-ma.org
Subject: EAJA Fee Payments

September 2, 2008

TO: NOSSCR Regular Members

FROM: Nancy G. Shor, Executive Director

Federal courts are, with increasing frequency, ordering that Equal Access to Justice Act fee awards be sent to plaintiffs. While this issue is wending its way to the Supreme Court, legislation is pending before the House of Representatives.

Rep. Peter DeFazio (D-OR) has introduced H.R. 5833, a bill that clarifies that an EAJA award is an attorney's fee payment. The bill has been referred to the House Judiciary Committee's Subcommittee on Courts, the Internet, and Intellectual Property. The bill now has 13 co-sponsors, as noted in the attached.

Please urge your Representative to co-sponsor this important bill. Without it, we will see many fewer claimants able to have their cases reviewed in federal court because they won't be able to find lawyers.

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To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability... (Introduced in House)

HR 5833 IH

110th CONGRESS

2d Session

H. R. 5833

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 17, 2008

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF FEES AND COSTS TO THE ATTORNEY IN CERTAIN SOCIAL SECURITY ACT CLAIMS.

Section 2412 of title 28, United States Code, is amended by adding at the end the following:

(g) In a civil action brought under section 205(g) of the Social Security Act (42 U.S.C. 405(g)) in which a prevailing party other than the United States is represented by an attorney, any costs and fees awarded under this section to such prevailing party--

(1) shall be paid directly to the attorney representing the prevailing party; and

(2) shall not be subject to offset under section 3716 of title 31, United States Code, due to a claim of

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H.R.5833

Title: To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

Sponsor: [Rep DeFazio, Peter A.](#) [OR-4] (introduced 4/17/2008) [Cosponsors](#) (13)

Latest Major Action: 4/28/2008 Referred to House subcommittee. Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

4/17/2008--Introduced.

Amends the federal judicial code to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in civil actions involving Social Security Disability Insurance and Supplemental Security Income Claims under titles II (Old Age, Survivors and Disability Insurance) (OASDI) and XVI (Supplemental Security Income) (SSI) of the Social Security Act.

Declares that such fees and costs shall not be subject to offset due to a claim of the United States against the prevailing party.

MAJOR ACTIONS:

NONE

ALL ACTIONS:

4/17/2008:

Referred to the House Committee on the Judiciary.

4/28/2008:

Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.

TITLE(S): (*italics indicate a title for a portion of a bill*)

NONE

COSPONSORS(13), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Rep Blumenauer, Earl](#) [OR-3] - 5/1/2008

[Rep Boozman, John](#) [AR-3] - 6/4/2008

[Rep Courtney, Joe](#) [CT-2] - 7/14/2008

[Rep Davis, Danny K.](#) [IL-7] - 4/22/2008

[Rep Farr, Sam](#) [CA-17] - 5/8/2008

[Rep Hall, John J.](#) [NY-19] - 4/23/2008

[Rep Hooley, Darlene](#) [OR-5] - 4/22/2008

[Rep Jackson-Lee, Sheila](#) [TX-18] - 7/14/2008

[Rep Pomeroy, Earl](#) [ND] - 5/13/2008

[Rep Schakowsky, Janice D.](#) [IL-9] - 7/14/2008

[Rep Stark, Fortney Pete](#) [CA-13] - 7/17/2008

[Rep Watt, Melvin L.](#) [NC-12] - 7/23/2008

[Rep Wu, David](#) [OR-1] - 4/29/2008

COMMITTEE(S):