

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM GC 04-03

September 15, 2004

TO: All Division Heads, Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM: Arthur F. Rosenfeld, General Counsel

SUBJECT: Reimbursement of Court-Required Registration Fees

From time to time, attorneys under the supervision of the General Counsel are required to pay registration fees and/or admission fees in courts where they have not been admitted to practice. These registrations or admissions are in addition to a license to practice law, which is a condition of initial and continuing employment with the Agency as an attorney and which is the responsibility of the employee. The fees vary from jurisdiction to jurisdiction and in fact, some courts waive the fees for federal attorneys. Until recently, federal agencies could not reimburse attorneys for this out of pocket expense. However, a decision by the Comptroller General in Matter of: Pension Benefit Guaranty Corp., 2002 WL 31478833 (Comp Gen) holds that 5 USC 5757 allows a federal agency to exercise its discretion to pay these fees upon a determination that the relevant litigation is necessary for the agency to carry out its mission. Though this has been a very difficult budget year, we have determined, based on an informal survey, that the NLRB can cover these costs consistent with the current budgetary constraints. Thus, we are pleased to announce that in situations where an attorney who has not been admitted to practice in a specific court must pay fees in order to represent the Agency in litigation necessary for the Agency to carry out its mission, we will reimburse the attorney for fees incurred. The procedure for seeking reimbursement is to complete a Form 1164, attach a copy of the receipt showing that payment has been made and submit it to your office head for approval.

/s/  
A.F.R.

cc: NLRBU  
NLRBPA

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