

October 18, 2023

**NOTICE**

**TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE  
EASTERN AND WESTERN DISTRICTS OF KENTUCKY**

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Courts for the Eastern and Western Districts of Kentucky hereby give public notice of the following:

The Joint Local Rules Commission for the Eastern and Western Districts of Kentucky has recommended, and the District Court has authorized for release for a period of public comment through December 22, 2023, the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as seen in this Notice, underlined text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

- A. LR 83.11 Attorney’s Fees Petitions Under Social Security Act** – will be amended as follows in order to further modernize the Local Rule in accordance with amendments to the Supplemental Social Security Rules:

**LR 83.11 ~~Social Security Cases~~ Attorney’s Fees Petitions Under Social Security Act**

~~(a) **Service of Social Security Number on Separate Paper than Complaint.** Any person seeking judicial review of a decision of the Commissioner of Social Security under § 205(g) of the Social Security Act, 42 U.S.C. §405(g), shall provide, on a separate sheet of paper attached to the copies of the complaint served on the Commissioner and the United States Attorney, the name and social security number of the worker on whose wage record the application for benefits was filed.~~

~~(b) **Attorney’s Fees Petitions Under Social Security Act.** Claimant’s counsel may petition for attorney’s fees, awardable under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b) or § 1383(d)(2)(A), and any other applicable statute permitting an award of attorney’s fees in such cases, within 30 days of a final favorable decision for claimant the date shown on the face of the most recent notice of award issued by the Social Security Administration. This rule does not apply to motions for fees under the Equal Access to Justice Act (“EAJA”), which are governed by the procedures set forth in that Act at 28 U.S.C. § 2412(d).~~

(1) *Petition.* The attorney’s fee petition must include an itemization of the services provided in ~~both the administrative and the~~ judicial proceedings, as well as any applicable Notice(s) of Award and fee agreement. Claimant’s counsel must serve a copy of the fee petition on the claimant and the United States Attorney.

(2) *Responses.* The United States Attorney or claimant ~~must~~ may respond to the attorney's fee petition within 30 days of the petition's filing. ~~The government's response must include a statement of accrued benefits and must advise the Court whether the government considers the fee to be reasonable. The government must serve a copy of the response on the claimant and the petitioning attorney. The claimant may respond to the attorney's fee petition within 30 days of the petition's filing.~~

\* \* \* \* \*

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before December 22, 2023, and should be sent to:

Brian F. Haara  
Chair, Joint Local Rules Commission  
Fultz Maddox Dickens PLC  
101 South Fifth Street, Suite 2700  
Louisville, Kentucky 40202  
[bhaara@fmdlegal.com](mailto:bhaara@fmdlegal.com)