

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

Amended March 2018

A. CREATION OF THE FUND; PURPOSE OF THE PLAN

By order of the Court, dated April 10, 1987, newly admitted attorneys are required to pay to the Clerk a fee in addition to the fee established by the Judicial Conference of the United States. The receipts from these assessments are to be deposited in the District Court Fund. This plan is adopted to provide procedures for the administration of funds deposited in the District Court Fund.

B. ADVISORY COMMITTEE

There shall be an advisory committee to advise the Court on matters of policy relating to the administration of the Fund. The committee shall consist of the Chief Judge, the Clerk of Court, and any other judges the Chief Judge wishes to consult.

C. CUSTODIAN OF THE FUND

Pursuant to the order, the Clerk of this Court is the custodian of the District Court Fund. In the event of the death, retirement, or resignation of the Clerk, the Chief Deputy Clerk, or such other person as the Chief Judge designates, shall become the custodian until such time as the next Clerk assumes office.

D. DUTIES AND RESPONSIBILITIES OF THE CUSTODIAN

The responsibilities of the custodian are as follows:

- (1) to receive, safeguard, deposit, disburse, and account for all funds in accordance with the law, this plan, and the policies established by the Court;
- (2) to sign checks drawn on the Fund, which may be signed by the Financial Manager;

D. DUTIES AND RESPONSIBILITIES OF THE CUSTODIAN

- (3) to invest funds in accordance with the provisions of this plan; and
- (4) to perform such other functions as may be required by the Court.

E. RESPONSIBILITIES UPON APPOINTMENT OF SUCCESSOR CUSTODIAN

When a successor custodian is appointed, the outgoing custodian should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the Chief Judge:

- (1) a statement of assets and liabilities;
- (2) a statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations and net worth; and
- (3) a statement of the balance in any fund accounts as of the date of transfer to the successor custodian.

The successor custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing Custodian. Acceptance may be conditioned upon an audit and verification where circumstances warrant.

F. AUDITS AND INSPECTIONS

The District Court Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts. The Chief Judge may appoint an auditor or disinterested inspector (who may be a government employee) to conduct such audits as the court determines to be necessary. The written results of such audit or inspection will be provided to members of the advisory committee, each district judge, and upon request, any member of the bar of the court.

In the event that the court orders a dissolution of the fund, a terminal audit or inspection will be performed and a written accounting rendered to the Court.

G. PROTECTION OF THE FUND'S ASSETS

Except as otherwise provided in this plan, all receipts will be deposited in banks or savings institutions where accounts are insured by F.D.I.C. or F.S.L.I.C. where practical and feasible the custodian shall place any substantial sums into interest bearing accounts, government securities, or a money market fund invested in government obligations. Such investment shall be at the direction of the advisory committee. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the custodian must be segregated from all other monies in the custody of the clerk of the court, including other non-appropriated funds, if any.

H. LIMITATIONS ON USE OF FUNDS

Monies deposited in the fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee.

I. USES OF THE FUNDS

In general, the monies deposited in the fund are to be used for the benefit of the bench and bar in the administration of justice. Although not intended to be all inclusive, monies deposited in the fund may be used to pay for any of the following:

- (1) The expenses related to attorney admission proceedings, including expenses incurred in admission ceremonies;
- (2) The costs of periodicals and publications purchased for library use if appropriated funds are not available;
- (3) The cost of anatomical charts and stands for court-room use, if appropriated funds are not available;
- (4) The expenses of the Plan's Advisory Committee;
- (5) The expenses incurred by the Custodian in performing his/her duties under the plan, including the expense of a surety bond covering monies in the funds;
- (6) The fees for services rendered by outside auditors or inspectors in auditing or inspection of the records of the fund;
- (7) Pursuant to the provisions of Section J of this plan, the out-of-pocket expenses of attorneys appointed to represent indigent parties in civil proceedings in this court; and
- (8) Such other expenses as may from time to time be authorized by the Advisory Committee for the use and benefit of the bench and bar in the administration of justice.

J. OUT-OF-POCKET EXPENSES IN PRO BONO CASES

At such time as the District Court Fund has reached \$1,000, out-of-pocket expenses of court-appointed attorneys, in civil pro bone cases, may be reimbursed in accordance with this plan.

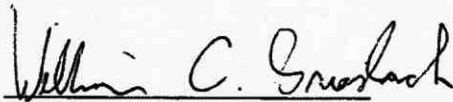
In a civil case where an attorney is appointed by the Court to represent an indigent party, the Judge or Magistrate Judge to whom the case is assigned may authorize the payment of out-of-pocket expenses

reasonably incurred, and not otherwise recoverable, not to exceed \$250. Application for reimbursement shall be on a form approved by the Advisory Committee and available from the Clerk. In the event that the party represented is ultimately successful on the merits and is awarded costs and attorneys' fees, the out-of-pocket expenses allowed pursuant to this paragraph will be deducted from such award and redeposited into the District Court Fund.

K. DISSOLUTION OF THE FUND

Should this Court decide to dissolve the fund, the Custodian will liquidate all outstanding obligations prior to the dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspection. The Court will direct the disposition of the assets of the fund in ways which fulfill the purpose of the fund.

Approved this 13 day of March, 2018.



William C. Griesbach

Chief Judge