

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ORDER COMBINING DISTRICT COURT FUND AND DISTRICT COURT *PRO BONO* FUND INTO SINGLE FUND, SUPERSEDING/VACATING PRIOR ORDERS REGARDING THOSE FUNDS AND ESTABLISHING GOVERNING PLAN

The judges of the Eastern District of Wisconsin have decided to combine the District Court Fund and the District Court *Pro Bono* Fund into a single fund to be called the District Court Fund, with the uses and limitations stated in the attached “Plan for the Administration of the District Court Fund.”

The court **ORDERS** that this order **SUPERSEDES** the court’s April 10, 1987 order establishing a District Court Fund and the court’s April 8, 2008 order establishing a District Court *Pro Bono* Fund.

The court **ORDERS** that the attached “Plan for the Administration of the District Court Fund” **SUPERSEDES** the plans attached to the April 10, 1987 and April 8, 2008 orders and any amendments to those plans.

The court **ORDERS** that the clerk of court must combine and deposit any unused money collected under the April 10, 1987 and April 8, 2008 orders into a single fund to be called the District Court Fund and must use that money in accordance with the attached “Plan for the Administration of the District Court Fund.”

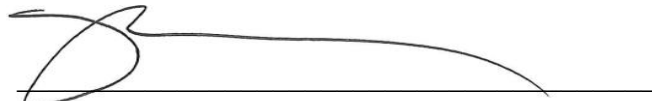
The court **ORDERS** that in addition to the prescribed original attorney admission fee prescribed by the Judicial Conference of the United States (Guide to Judiciary Policy, Vol. 4, Chap. 6 §660.15(a)) as authorized under 28

U.S.C. §1914(b), every lawyer admitted to practice before the United States District Court for the Eastern District of Wisconsin must pay to the clerk of court for the Eastern District of Wisconsin thirty-five dollars (\$35.00). The clerk of court must deposit that \$35 into the District Court Fund and must use the money in accordance with the attached “Plan for the Administration of the District Court Fund.”

The court **ORDERS** that the court’s February 9, 1988 order establishing and attaching the “Regulations Governing the Prepayment and Reimbursement of Expenses in Pro Bono Cases” is **VACATED**.

Dated in Milwaukee, Wisconsin, this 6th day of July, 2023.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

A. THE DISTRICT COURT FUND; PURPOSE OF THE PLAN

By order of the court dated July 6, 2023, in addition to the prescribed original attorney admission fee prescribed by the Judicial Conference of the United States (Guide to Judiciary Policy, Vol. 4, Chap. 6 §660.15(a)) as authorized under 28 U.S.C. §1914(b), lawyers newly admitted to practice before the District Court for the Eastern District of Wisconsin must pay to the clerk of court thirty-five dollars (\$35.00). The clerk of court must deposit the money into the District Court Fund. The court adopts this plan to provide procedures for the administration of money in the District Court Fund.

B. ADVISORY COMMITTEE

There must be an advisory committee to advise the court on matters of policy relating to the administration of the District Court Fund. The committee must consist of the chief judge, the clerk of court and other judges the chief judge wishes to consult.

C. CUSTODIAN OF THE DISTRICT COURT FUND

The clerk of court is the custodian of the District Court Fund. In the event the clerk of court dies, retires or resigns, the chief judge must designate a custodian until the next clerk of court assumes office.

D. DUTIES AND RESPONSIBILITIES OF THE CUSTODIAN

The custodian's responsibilities are as follows:

1. To receive, safeguard, deposit, disburse and account for all money in the District Court Fund in accordance with the law, this plan and the policies established by the court;
2. To establish an accounting system for the District Court Fund;
3. To ensure that no less frequently than every quarter, the financial department prepares financial statements and operating reports for the District Court Fund;

4. To approve checks drawn on the District Court Fund, which may be signed only by the custodian or the court's financial manager;
5. To invest money in the District Court Fund in accordance with the provisions of this plan; and
6. To perform whatever other functions the court may require.

E. RESPONSIBILITIES UPON APPOINTMENT OF SUCCESSOR CUSTODIAN

When a successor custodian is appointed, the outgoing custodian must prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or 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 District Court Fund accounts as of the date of transfer to the successor custodian.

The successor custodian must execute a receipt for all money after being satisfied as to the accuracy of the statements and records provided by the outgoing custodian. Where warranted, acceptance may be conditioned upon an audit and verification.

F. AUDITS AND INSPECTIONS

The District Court Fund is subject to audit or inspection by the Administrative Office of the United States Courts. The chief judge may appoint an auditor or inspector to conduct such audits or inspections as the court determines to be necessary. The auditor or inspector must provide the written results of the audit or inspection to the members of the advisory committee, each district judge and, upon request, any member of the court's bar.

If the court orders the District Court Fund to be dissolved, an auditor or inspector must perform a terminal audit or inspection and provide a written accounting to the court.

G. PROTECTION OF THE DISTRICT COURT FUND'S ASSETS

Except as otherwise provided in this plan, the custodian must deposit all receipts in federally insured banks or savings institutions. Where practicable and feasible, the custodian must place any substantial sums into interest bearing accounts, government securities or a money market fund invested in government obligations. Such investment must 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.

The custodian must segregate money in the District Court Fund from all other money in the clerk of court's custody, including other non-appropriated money, if any.

H. USES OF THE DISTRICT COURT FUND

In general, the District Court Fund is to be used for the benefit of the bench and bar in the administration of justice. Although the following list is not exhaustive, money in the District Court Fund may be used to pay for any of the following:

1. Uses regardless of the District Court Fund's balance:
 - a. Reimbursement of necessary expenses of lawyers whom the court recruits to represent indigent parties in civil proceedings. Eligibility for reimbursement is detailed in the "Regulations Governing the Reimbursement of Expenses in Pro Bono Cases from the District Court Fund," which is located on the court's website;
 - b. Expenses related to lawyer admission proceedings, including expenses incurred in admission ceremonies;
 - c. Expenses of the plan's advisory committee;
 - d. Expenses incurred by the custodian in performing his/her duties under the plan, including the expense of a surety bond covering money in the District Court Fund;
 - e. Fees for services rendered by outside auditors or inspectors in auditing or inspecting the District Court Fund's records;
 - f. Expenses to maintain the court's public wi-fi;

- g. Expenses related to lawyer discipline proceedings; and
 - h. Reimbursement to jurors for lost or damaged personal property incident to their jury service, when compensation is not available under a statute such as the Federal Tort Claims Act.
2. Additional uses when the District Court Fund's balance exceeds \$50,000:
- a. Furnishings, equipment and amenities for lawyer lounges, that may not be purchased or funded from appropriations.
 - b. Donations to organizations that provide legal representation, advice or assistance to unrepresented litigants in federal civil matters.
 - c. Hospitality items (*e.g.*, food, beverages, mementos) for which appropriated funds may not be used, including meals and beverages for judges and employees attending a bench/bar meeting or similar event at their official duty station in a non-official capacity.
 - d. Cash donations to law-related educational or charitable organizations—such as a historical society, law school or bar association—for purposes that advance the administration of justice in the courts. In considering such donations, care should be exercised to avoid the appearance of impropriety, undue favoritism, conflicts of interest and other concerns under the Codes of Conduct.
 - e. Expenses of circuit judicial conferences to the extent permitted by Judicial Conference policy.
 - f. Any other purpose for which appropriated funds may not legally be used that will benefit the bench and bar in the administration of justice.

I. LIMITATIONS ON THE DISTRICT COURT FUND'S USE

The custodian must not use the District Court Fund to pay for materials or supplies available from statutory appropriations. Under no circumstances may money in the District Court Fund be used to supplement the salary of any court officer or employee.

J. DISSOLVING THE DISTRICT COURT FUND

Should the Court decide to dissolve the District Court Fund, the custodian must 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 must direct the disposition of District Court Fund's assets in ways that fulfill the District Court Fund's purpose.