UNITED STATES DISTRICT AND BANKRUPTCY COURT

DISTRICT OF IDAHO

IN RE: ADOPTION OF REVISED PLAN FOR THE ADMINISTRATION OF THE NON-APPROPRIATED FUND	General Order No. 270

IT IS HEREBY ORDERED that the attached Plan for the Administration of the Non-Appropriated Fund be adopted and supersedes General Order 185.

Dated this 22nd day of May, 2013.

B. Lynn Winmill
Chief U.S. District Judge

Terry L. Myers
Chief U.S. Bankruptcy Judge

Edward J. Lodge
U.S. District Judge

Jim D. Pappas
U.S. Bankruptcy Judge

Candy W. Dale
Chief U.S. Magistrate Judge

Ronald E. Bush
U.S. Magistrate Judge

Mikel H. Williams
U.S. Magistrate Judge

Larry M. Boyle
U.S. Magistrate Judge

UNITED STATES DISTRICT AND BANKRUPTCY COURT

DISTRICT OF IDAHO

Plan for the Administration of the Non-Appropriated Fund

Adopted by the Court on May 22, 2013

Table of Contents

Chapter 1 – General Matters 1

Section 1.01 Purpose 1
Section 1.02 Sources of Revenue 1
Section 1.03 Constraints on the Use of Attorney Admission Fund Monies 1

Chapter 2 – Authorized Uses of the Fund 3

Section 2.01 Authorized Expenditures 3
Section 2.02 Pro Bono Expenses 4

Chapter 3 – Court Responsibilities 5

Section 3.01 Advisory Committee 5
Section 3.02 Custodian of the Fund and Responsibilities 5
Section 3.03 Delegation of Fund Accounting Responsibilities 5
Section 3.04 Surety Bonds Authorized 5
Section 3.05 Fund Accounting Procedures 6
Section 3.06 Periodic Reporting Requirements 6
Section 3.07 Final Accounting upon Change of Custodian of the Fund 6
Section 3.08 Audits and Inspections 6
Section 3.09 Dissolution of the Fund 7

CHAPTER 1 – GENERAL MATTERS

Section 1.01 Purpose

The United States District and Bankruptcy Court has adopted this Attorney Admissions Fund Plan (the Plan) for the District of Idaho. The purpose of the Plan is to provide guidance for receipting, depositing, disbursing, and accounting for monies maintained in the Court's Non-Appropriated Fund (the Fund). This Plan supersedes the plans adopted in General Order 185.

Section 1.02 Sources of Revenue

(a) Excess Attorney Admissions Fees: Pursuant to District Court Local Rule 83.4(f) and Local Bankruptcy Rule 9010.1(a) attorneys applying for admission to this Court will be required to pay a prescribed fee, in excess of the basic fee set by the Judicial Conference of the United States. This excess amount will be collected, deposited, and maintained by the Clerk of Court (hereinafter referred to as the Custodian of the Fund) as part of the Fund.

(b) Pro Hac Vice Fees: Pursuant to District Court Local Rule 83.4(f) and Local Bankruptcy Rule 9010.1(d), attorneys applying for Pro Hac Vice admission to this Court will be required to pay a prescribed fee. This amount will be collected, deposited, and maintained by the Custodian of the Fund as part of the Fund.

(c) Other Sources of Income: The only other source of income for the Fund is any interest income accrued on the Attorney Admission fees.

(d) The details of how the Attorney Admission and Pro Hac Vice fees will be distributed between the General Fund Receipt account, the special Filing Fee Judiciary Fund established under 28 U.S.C 1914, and the Non-Appropriated fund will be set forth in a separate general order.

Section 1.03 Constraints on the Use of Attorney Admission Fund Monies

The following guidelines and principles apply to the administration of the Fund:

(a) Receipt and Deposit of Monies: The Custodian of the Fund will receipt, deposit, and account for monies according to fiscal and accounting principles established in the most current version of the Attorney Admission Fund Guidelines (the Guidelines) adopted by the Judicial Conference of the United States (see Vol. 13, Chap. 12 of the Guide to Judiciary Policies, hereinafter referred to as the Guide).

(b) Limitations on Deposits: (1) The Custodian of the Fund shall deposit all monies of the Fund only in federally insured banks or savings institutions. Whenever practical and feasible, all substantial sums should be deposited in interest-bearing accounts, government securities, or money market funds invested in government obligations, at the direction of the Board of Judges and Lawyer Representatives (hereinafter referred to as the Advisory Committee). (2) The Court shall avoid an unreasonable accumulation of attorney admission fees.

(c) Separation of Fund Receipts from Other Judiciary Accounts: Attorney admission funds shall be segregated from all other monies held in the custody of the Court.

(d) Authorized Expenditures: Expenditures from the Fund are to be used for the benefit of the bench and bar in the administration of justice. Any judge or Advisory Committee member may make recommendations for expenditures from the Fund on application to the Custodian of the Fund.

After considering the recommendations of the Advisory Committee or other judges, the Chief District Judge must enter an order authorizing all expenditures, except as provided in Section 2.02 "Pro Bono Expenses."

(e) Limitations on Expenditures:

(1) The Fund shall not be used to pay for goods or services for which appropriated funds may be legally used, even if the appropriated funds are exhausted or otherwise not available. Use of the Fund for any purpose for which appropriated funds may be legally used constitutes an impermissible augmentation of appropriations.

Exception for overtime utilities for unofficial court functions: Notwithstanding the rule against augmentation, the Fund may be used to pay for overtime utilities for unofficial court functions noted in Section 2.01.

(2) The Fund shall not be used to supplement the salary of any court officer or employee, or other government official, or to provide a personal benefit to any judge or court employee, or his or her family member. A limited exception exists for the receipt of a *de minimis* personal benefit incidental to a proper expenditure from the Fund, e.g., meals, refreshments or hospitality items provided under section 2.01 of the Guide.

(3) The Fund shall not be used to pay for official or personal travel by a judge or court employee or by his or her family member. A limited exception exists that allows the Fund to be used to pay for local transportation of a judge or court employee to attend bench/bar events.

(4) The Fund shall not be used to provide continuing legal education for any judge or employee of the Court.

(5) The Fund shall not be used to pay for the printing of local rules.

CHAPTER 2 – AUTHORIZED USES OF THE FUND

Section 2.01 Authorized Expenditures

The District Court and Bankruptcy Court shall use the Fund only for purposes to the benefit of the members of the bench and the bar in the administration of justice. Subject to the provisions of Section 1.03, examples of proper common uses of the Fund include but are not limited to the following activities:

(a) **Ceremonies and Awards**: Expenses incurred for Attorney Admission ceremonies, Naturalization ceremonies, Interpreter testing and certification, as well as other ceremonial occasions. Awards for lawyer representatives.

(b) **Attorney Discipline Proceedings**: Including but not limited to expenses of investigating counsel for disciplinary enforcement, stenographers, meeting room rentals, postage, travel expenses and witness fees in disciplinary proceedings.

(c) **Attorney Lounge Facilities**: Including expenses to furnish, equip, and operate attorney lounge facilities, e.g., furniture; photocopiers and fax machines; beverage supplies or services; microwave, refrigerator, and other appliances; and television, telephone, and Internet service.

(d) **Auditing Fees**: Fees for services rendered by outside auditors or accountants in auditing the Fund.

(e) **Cash Donations**: In consultation with and following procedures established by the Advisory Committee, community grants may be made to law-related educational or charitable organizations, such as a bar association, historical society, or law school, for purposes that advance the administration of justice.

(f) **Judicial Conference Expenses**: Reimbursement to lawyer representatives for attendance at Judicial Conferences and other meetings scheduled by District of Idaho or the Ninth Circuit Court of Appeals.

(g) **Court Ceremonies**: Including expenses relating to judicial investitures, retirements, memorial or historical occasions, or other appropriate judicial or court-related proceedings advised and recommended by the Advisory Committee, but only for expenses for which appropriated funds may not be used.

(h) **District Meetings**: Including expenses of meetings such as the State/Federal judicial council luncheons and other meetings with members of the bar.

(i) **Educational Outreach**: Including expenses to promote and assist area high schools participating in the events (i.e., mock trials)

(j) **Historical Works**: Including expenses relating to the collection, restoration, preservation, and/or display of pictures, judicial portraits and photographs, oral histories, artwork, and other artifacts of historical significance.

(k) **Hospitality Items**: Hospitality items (e.g., food, beverages, and mementos) for which appropriated funds may not be used.

(l) **Overtime Utilities for Unofficial Court Functions**: For overtime utility expenses incurred for unofficial events and functions that benefit the bench and the bar in the

administration of justice, such as receptions and other social events involving members of the Court and sponsored by a bar association; bench and bar association-type meetings; other events of legal-related organizations or entities using courthouse space

(m) **Reimbursement to Jurors**: Reimbursement to jurors for lost or damaged personal property incident to their jury service, when compensation is not available from the United States under a statute such as the Federal Tort Claims Act.

(n) **Surety Bonds**: Surety bonds for the custodian of the Fund and designated deputy clerks, to cover only the monies in the Fund.

(o) **Pro Bono Program**: The Pro Bono Program Plan sets a limit of $1,500 per case to reimburse pro bono counsel for reasonable and necessary costs. If the case appears to have extraordinary need, and more than $1,500 in costs is anticipated and warranted, then pro bono counsel may request additional funds on the budget sheet, with a detailed explanation of why the additional costs are warranted, in advance of the expense being incurred. The cost fund covers out-of-pocket expenses such as process services, filing fees, expert consultations, witness fees, interpreter services, photographs, deposition costs, and other similar items. The cost fund does not cover copying services, internal photocopying or printing, or attorney fees.

(p) **Other Authorized Purpose**: Any other purpose for which appropriated funds may not legally be used that will benefit the bench and the bar in the administration of justice and that receives the approval of the Advisory Committee.

Section 2.02 Pro Bono Expenses

In order to assist in the administration of justice, the Court authorizes funding for litigation costs incurred by attorneys, legal clinics, and law students appointed pursuant to the Pro Bono Program. Funds for the Program are allocated from the District's non-appropriated fund (attorney admission fund). The amount appropriated will not exceed twenty percent (20%) of the annual receipts, unless authorized by the Board of Judges and the Court's Lawyer Representatives. Continued funding each year is subject to their annual review and approval.

Pro Bono Program funds may be used for training of pro bono attorneys, reimbursement of reasonable expenses incurred by pro bono mediators or judges, or for other purposes that the Court determines will enhance the goal of creating, supporting, and maintaining the Program. Such reimbursement shall be administered consistent with General Order 261, adopted on January 18, 2012, or as amended.

CHAPTER 3 – COURT RESPONSIBILITIES

Section 3.01 Advisory Committee

The Board of Judges and Lawyer Representatives shall serve as the Advisory Committee on matters relating to the administration of the Fund. The duties and powers will include (a) oversight of the activities of the Custodian of the Fund, and (b) the recommendation, and approve uses of the Fund.

Section 3.02 Custodian of the Fund and Responsibilities

The Clerk of the Court serves as the Custodian of the Fund and is responsible for receiving, safeguarding, depositing, investing, disbursing, and accounting for all monies in the Fund according to any pertinent laws. The Custodian of the Fund shall invest funds in excess of immediate needs in appropriate interest-bearing accounts at the direction of the Court or the Advisory Committee.

A list of responsibilities and duties (may include but are not limited to the following):

(a) Receive, safeguard, deposit, disburse, and account for, in accordance with law, this Plan, and the policies of the Advisory Committee, all funds collected under the Source of Funds section of this Plan.

(b) Secure a bond, if required by the Court, to be paid for from the assets of the Fund.

(c) Establish a checking and deposit account and an accounting system for the Fund and maintain proper records of receipts and disbursements.

(d) Ensure that a financial statement and operating report is prepared quarterly.

(e) Invest monies from the Fund with the approval of the Advisory Committee in accordance with this Plan.

(f) Sign checks drawn on the Fund or designate an individual to sign checks approved by the Chief District Judge or other Judicial Officers.

(g) Keep records and minutes of Advisory Committee meetings regarding votes and approval topics relating to the Non-Appropriated Fund.

(h) Perform such other duties as Court may direct.

Section 3.03 Delegation of Fund Accounting Responsibilities

The Custodian of the Fund may delegate fund accounting and reporting responsibilities to any authorized deputy clerk.

Section 3.04 Surety Bonds Authorized

The Custodian of the Fund may recommend, and the Advisory Committee may authorize payment for surety bonds for the Custodian of the Fund, and any authorized deputy clerk up to the amount of monies held by the Fund.

Section 3.05 Fund Accounting Procedures

The Custodian of the Fund shall establish appropriate accounting and internal control procedures to administer the Fund and shall maintain records of all receipts, disbursements, and other significant activities relating to the Fund.

Section 3.06 Periodic Reporting Requirements

(a) Reports: The Custodian of the Fund will provide the Chief District Judge with monthly balance statements and activity reports. The Custodian of the Fund will provide the Advisory Committee with quarterly balance statements and activity reports.

(b) Annual Report: By January 31 of each following year, the Custodian of the Fund will prepare an annual report for the Chief District Judge and the Advisory Committee, detailing the Fund activity for the previous calendar year (covering the 12-month period from January 1 – December 31 of the prior year).

(c) Content of Reports: The above reports must include:(1) beginning balance of assets; (2) revenue during reporting period (collections and investments); (3) disbursements during reporting period; (4) ending balance of assets (bank balances and undeposited collections); (5) obligations, accounts payable or known future expenditures; and (6) available balance.

(d) Certification of Reports: The Custodian of the Fund, shall certify that the statements and reports accurately present the financial condition of the Fund.

Section 3.07 Final Accounting upon Change of Custodian of the Fund

(a) Final Audit: Before the departure of a Custodian of the Fund, the Chief Judge may order that an exit audit be conducted to verify the financial status and condition of the Fund. Upon completion, the outgoing Custodian of the Fund will verify the exit audit and statement attesting to the assets, liabilities, obligations, and financial condition of the Fund at the time of transfer to a new Custodian of the Fund.

(b) Acceptance of Custodial Responsibility: Upon receipt of the exit audit and financial statement, and after verifying the financial condition of the Fund, the successor Custodian of the Fund will file in the records of the Fund, a letter accepting custodial responsibility for all monies and accounts associated with the Fund.

Section 3.08 Audits and Inspections

(a) Regular Audits: The Fund is subject to audit by the Administrative Office of the United States Courts and shall be included in the Court's annual internal audits.

(b) Additional Audits: If the Advisory Committee determines that additional audits are necessary, or appropriate, the Chief Judge may request an audit and use monies in the Fund to contract for services with an outside auditor or other disinterested person.

(c) Written Results of Audits: The Custodian of the Fund shall provide written audit reports to the Chief Judge and the Advisory Committee. Reports may be made available, upon written request, to any attorney admitted pursuant to District Court Local Rule 83.4(f) and Local Bankruptcy Rule 9010.1(d), as well as available for review or inspection in the Clerk's Office in Boise.

Section 3.09 Dissolution of the Fund

The Chief District Judge, with the consent of the Court, may dissolve the Fund whenever it is deemed necessary to do so. All outstanding obligations of the Fund shall be paid prior to dissolution, including any expenses resulting from a required terminal audit or inspection. Upon dissolution, monies remaining in the Fund shall be disposed of pursuant to court order in a manner that is consistent with the original purposes of the Fund.