

ORIGINAL

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
APR 27 1993

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
By L.R. Burns NANCY DOHERTY, CLERK
Deputy

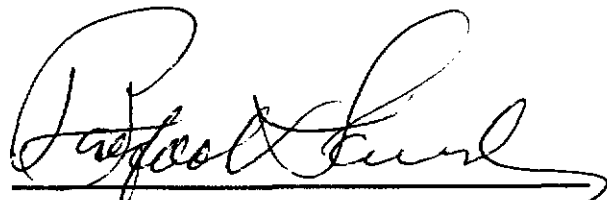
MISCELLANEOUS ORDER NO. 16

EFFECTIVE May 3, 1993, the fee to be charged by the Clerk for admission to practice before the Court in the Northern District of Texas shall be the amount set by the Judicial Conference of the United States (presently \$20.00) along with an additional \$20.00 to be deposited to the account of the Non-Appropriated Fund of this Court.

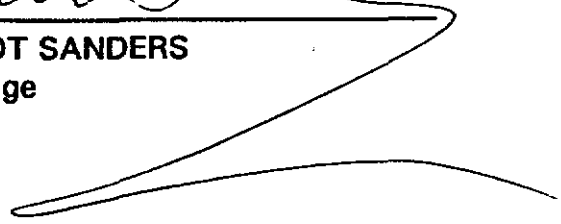
IT IS FURTHER ORDERED that said Non-Appropriated Fund shall be maintained by the Clerk as Trustee and administered by an Advisory Committee, in accordance with the provisions of the newly adopted Plan for the Administration of the Northern District of Texas Non-Appropriated Fund.

IT IS FURTHER ORDERED that the Clerk notify the bar associations in each of the divisions in the Northern District of Texas and the District Clerks of the Eastern, Western and Southern Districts of Texas of the adoption of the revised attorney admissions fee and the creation and adoption of the Plan for the Administration of the Non-Appropriated Fund for this district.

This order will be filed with the Clerk of this Court and signed by the Chief Judge at the direction of this Court on this 27th day of April, 1993.



BAREFOOT SANDERS
Chief Judge



**PLAN FOR THE ADMINISTRATION
OF THE NON-APPROPRIATED FUND
FOR THE NORTHERN DISTRICT OF TEXAS**

The United States District Court for the Northern District of Texas has, by Miscellaneous Order No.16 dated April 27, 1993, adopted the following plan for the administration and operation of the funds derived from attorney admission fees in excess of the amount prescribed by the Judicial Conference. Said excess fees and the investment and account interest earned thereon shall constitute the Non-Appropriated Fund.

I. Administration of Non-Appropriated Fund

A. Advisory Committee

The members of the Non-Appropriated Fund Advisory Committee shall include the Chief Judge as Chairman; a District Judge to be appointed by the Chief Judge for a term of two years; a member of the bar admitted to this district in the Dallas division to be appointed by the Chief Judge for a term of two years; a member of the bar admitted to this district in another division to be appointed by the Chief Judge for a term of two years; and the Clerk of Court. Members of this Committee shall serve without compensation. The Committee will:

1. Advise the court and its Custodian on matters of policy in the administration of the Fund;
2. Authorize expenditures when determined by the Committee that said disbursements are appropriate and will be of benefit to the bench and bar in the administration of justice;
3. Review the monthly financial statements prepared by the Custodian and thereby confirm the adequate safeguarding and investment of the Fund or advise the Custodian of any

inadequacy of financial accounting methods, records, or reports.

B. Custodian/Trustee

The Clerk of Court will serve as the Custodian/Trustee of the Non-Appropriated Fund for this court. The Custodian/Trustee will:

1. Receive, safeguard, deposit, disburse, invest and account for all monies in the Fund in accordance with the direction of the Advisory Committee and applicable guidelines and statutes;
2. Secure a bond, to be paid for from assets of the Fund;
3. Establish an accounting system for the Fund and maintain proper records and receipts of all Fund activity;
4. Prepare and submit to the Advisory Committee a monthly report of Fund activity, specifying the balance, receipts, disbursements, investments, estimated earnings, and any other information that the Advisory Committee may require;
5. Attest to the financial status of the Fund by signing financial statements and reports, thereby certifying the accuracy of said statements;
6. Perform such other functions as the Advisory Committee may direct.

C. Successor Custodian

Upon appointment by the Advisory Committee of a Successor Custodian, the Advisory Committee will designate or retain a disinterested party to conduct an exit audit. The results of this audit shall be reported to the Advisory Committee by the auditor in a report which includes:

1. A statement of assets and liabilities of the Fund;

2. A statement of operations or of receipts and disbursements covering the period since the preceding statement of operations and net worth, up to the date of transfer of responsibility to the Successor Custodian;
3. A statement of the balance in any Fund accounts and investments as of the date of transfer of responsibility to the Successor Custodian.

The Successor Custodian shall execute a receipt for all funds after being satisfied as to the accuracy and completeness of the statements and records provided by the auditor. Acceptance may be conditioned upon audit and verification by a disinterested person, when the circumstances so warrant.

II. Financial Guidelines

A. Receipt of Funds

Each divisional office within the Northern District of Texas shall collect a fee of \$40.00 (\$20.00 statutory fee and \$20.00 district fee) for each attorney admission. Upon receipt of the fee:

1. The financial deputy in each division will issue a receipt and will place the statutory fee of \$20.00 in Fund 085000 (Attorney Admissions), to be deposited to the credit of the Treasurer of the United States;
2. The financial deputy in each division shall place the remaining \$20.00 in Fund 6855XX (Non-Appropriated Fund) and a receipt for total monies accumulated therein at the end of each month shall be posted to the Dallas Division;
3. The Dallas Division shall deposit all divisional Fund 6855XX monies to the consolidated attorney admission fund and disburse one check to the Custodian for

the total collections received by all divisional offices each month.

Funds held by the Custodian must be segregated from all other monies in the custody of the Court, including other non-appropriated funds.

B. Establishment of Checking Account

An account shall be established in the name of the Fund with the Custodian as Trustee. All accounts will be established at federally insured banks or savings institutions.

The check issued each month by the Dallas financial officer to the Custodian shall be deposited to the checking account for the Fund. The balance shall not exceed \$5,000.00 unless the Advisory Committee directs the Custodian to raise or lower the maximum balance.

C. Investment of Funds

Any amount on deposit at the end of the month which exceeds the established maximum checking balance shall be disbursed by the Custodian by check and deposited into an interest-bearing account, government security, or money market fund invested in government obligations to the credit of the Custodian as Trustee for the Fund.

The Custodian shall submit recommendations as to the investment of the funds to the Advisory Committee for its approval. The Advisory Committee shall inform the Custodian how the funds are to be invested.

The Custodian shall apprise the Advisory Committee of each reinvestment of the funds.

D. Disbursements

All requests for expenditure of Non-Appropriated Funds shall be submitted to the Custodian on the form designed for that purpose. The Custodian will forward the request to the

Chairperson of the Advisory Committee. The Custodian will make any approved disbursements in accordance with the decision and instructions of the Advisory Committee.

The Custodian is authorized to make individual disbursements, without prior approval, of up to \$100, provided the expenditure clearly belongs to one of the categories on the approved list of appropriate uses for the Fund and is duly reported to the Advisory Committee at the next meeting of said Committee.

No countersignature shall be required for expenditure of funds.

E. Audits

The Advisory Committee may appoint or retain a disinterested party or an auditor to conduct an annual audit as well as those audits required by this plan, i.e. upon the appointment of a Successor Trustee and upon the dissolution of the Fund.

The results of any audit shall be provided to the Advisory Committee. Compensation may be provided to the auditor or inspector from Fund assets if said auditor or inspector is not a government employee acting in an official capacity.

F. Dissolution of Fund

Courts may dissolve these non-appropriated funds which they have created; in addition, the Advisory Committee may recommend to the Court that the Fund be dissolved. In the event the Fund is ordered dissolved:

- 1. The Custodian shall ensure that all outstanding obligations are liquidated prior to dissolution, including expenses associated with the final required audit;**
- 2. A terminal audit shall be conducted by a disinterested person appointed by the Court;**
- 3. The auditor shall file with the Court the results of the terminal audit of the Fund.**

III. Guidelines for Disbursement of Funds

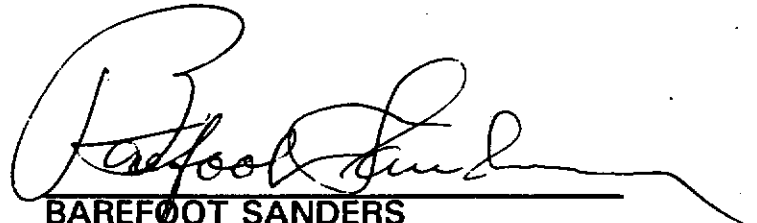
Monies derived from Attorney Admission fees and accumulated within the Non-Appropriated Fund are to be used for the joint benefit of the bench and the bar in the administration of justice. Non-Appropriated Funds may not be used to supplement appropriated funds or to pay for materials or services available from statutory appropriations.

Approved uses of the Non-Appropriated Fund include:

- 1. purchase of periodicals, publications, and library material of mutual access and benefit to the bench and bar;**
- 2. establishment and maintenance of attorney admission and disciplinary programs;**
- 3. enforcement and implementation of the local rules;**
- 4. enhancement of juror comfort and convenience;**
- 5. establishment and maintenance of attorney lounge facilities;**
- 6. acquisition of a surety bond for the Custodian of the fund, in an amount covering only those monies in the Fund;**
- 7. payment of fees for services associated with auditing the Fund;**
- 8. purchase of charts, stands, equipment, and materials to assist attorneys in the courtroom;**
- 9. support of the annual law clerk orientation;**
- 10. payment of expenses for printing court rules, manuals on practice and procedures, or other documents related to court operations;**
- 11. payment of expenses in connection with court memorial and commendation services or events;**

12. funding of court projects, programs, or acquisitions which interest or benefit the bar or which enhance the quality of advocacy in the court;
13. funding of the collection and preservations of court records of historical value;
14. payment of expenses for representation of indigents in cases where compensation is not otherwise available;
15. funding of projects designed to educate or train court personnel on matters which enhance their understanding of judicial history and procedure or their abilities to serve the public and the bar; and
16. establishment of a Judicial Portrait fund.

Dated: April 27, 1993



BAREFOOT SANDERS
Chief Judge