

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

PLAN FOR THE ADMINISTRATION  
OF THE DISTRICT COURT FUND



REVISED JUNE 2011

## PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

### 1. Overview

#### 1.1. Purpose of the Plan

This Plan sets forth the policies and procedures approved by the Judicial Conference of the United States for the management and expenditure of attorney admission funds collected and maintained by the United States District Court for the Southern District of Illinois.

#### 1.2. Attorney Admission Funds

Attorney admission funds are non-appropriated funds that comprise attorney admission fees collected by the United States District Court pursuant to Local Rule 83.1(a) that are in addition to the original attorney admission fee prescribed by the Judicial Conference under 28 U.S.C. §§ 1913 and 1914. Pursuant to Local Rule 83.1(b), attorneys admitted to appear *pro hac vice* shall pay a fee to be deposited into the District Court Fund. The court, at its discretion, may collect periodic fees from attorneys to renew their membership in the court's bar and deposit such fees into the District Court Fund.

Attorney admission funds shall be segregated from all other monies in the custody of the court and shall contain only attorney admission fees, plus any interest income accrued on such fees. The court shall not place into the Fund monies from other sources, including but not limited to: contempt fines, proceeds of sales of local rules, unclaimed funds, undistributed interest on registry accounts, gifts or bequests of cash, and/or copying fees.

### 2. Policies for Expenditure of the Fund

The District Court Fund shall be used only for purposes which benefit the members of the bench and the bar in the administration of justice. Such uses include, but are not limited to, the following:

- 2.1. Attorney admission proceedings (including expenses of admission committees and admission ceremonies).
- 2.2. Attorney discipline proceedings (including, but not limited to, expenses of investigating counsel for disciplinary enforcement, stenographers, meeting room rentals, postage, travel expenses, and fees of witnesses).

- 2.3. Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations. Examples: furniture, photocopiers and fax machines; beverage supplies or service; microwave, refrigerator and other appliances; television, telephone, and internet service.
- 2.4. Surety bond for the custodian of the fund, which may only cover monies in the fund.
- 2.5. Fees for services rendered by outside auditors or accountants in auditing the fund.
- 2.6. Reimbursement of pro bono counsel for out-of-pocket expenses up to \$2,500 by an order signed by any district judge or magistrate judge; for requests of \$2,500 up to \$5,000 by an order signed by the chairperson of the fund; and for requests over \$5,000 by an order signed by the district judges. All requests must come from the custodian of the fund and be supported by an appropriate explanation and documentation.
- 2.7. 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.
- 2.8. 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.
- 2.9. 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.
- 2.10. Expenses of circuit judicial conferences, to the extent permitted by the policy of the Judicial Conference of the United States.
- 2.11. 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.

### **3. Limitations on Use of District Court Fund**

#### **3.1. Rule against augmentation of appropriations**

The District Court Fund shall not be used to pay for goods or services for which appropriations may legally be used, even if the appropriated funds are exhausted or otherwise not available. Use of the District Court Fund for any purpose for which appropriated funds may legally be used constitutes an impermissible augmentation of appropriations. An exception may be made for the purchase of books, periodicals, and other resource materials for the court library for which appropriated funds may also be used.

#### **3.2. Salary or personal benefit**

The District Court Fund shall not be used to supplement the salary of any judge or court employee, or provide a personal benefit to any judge or court employee, or his or her family member. As a limited exception, a judge or court employee, or his or her family member, may receive a *de minimis* personal benefit incidental to a proper expenditure from the District Court Fund, e.g., meals, refreshments or hospitality items provided under section 2.9.

#### **3.3. Official or personal travel**

The District Court 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. As a limited exception, the District Court Fund may be used to pay for local transportation of a judge or court employee to attend bench/bar events.

### **4. Duties and Responsibilities of the Court**

#### **4.1. Custodian of the Fund**

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. The custodian of the Fund, with the approval of the Chief Judge, may designate an additional signatory on any account in which monies of the Fund are invested.

#### **4.2. Advisory Committee**

There shall be an advisory committee to advise the court on matters of policy relating to the Fund. The committee shall consist of all active district judges and the clerk of court. The committee shall be chaired by a district judge. The chairperson shall oversee the custodian of the Fund.

### **5. Duties and Responsibilities of the Custodian**

As prescribed in the District Court Fund Plan, the custodian of the Fund shall:

- 5.1. Receive, safeguard, deposit, disburse, and account for all monies in the Fund in accordance with any pertinent law, this plan, and the policies established by the Guide to Judiciary Policies and Procedures.
- 5.2. Secure a bond, to be paid for from the fund, if required by the advisory committee.
- 5.3. Establish an accounting system as required by the advisory committee.
- 5.4. Ensure that financial statements and operating reports are prepared in a timely fashion and sign these statements, thereby certifying that the statements and reports accurately present the financial condition of the Fund. The reports should be prepared at least quarterly and state the following:
  - 5.4.1. Beginning balance of assets;
  - 5.4.2. Revenue during reporting period: collections and investments;
  - 5.4.3. Disbursements during reporting period;
  - 5.4.4. Ending balance of assets, including bank balances and undeposited collections;
  - 5.4.5. Obligations, accounts payable, or known future expenditures; and
  - 5.4.6. Available balance.
- 5.5. Deposit or invest monies of the fund.
- 5.6. Sign checks against monies in the Fund pursuant to a specific order.

5.7. Perform such other functions as the court may direct.

**5.8. Duties Upon Appointment of a Successor Custodian**

When a successor custodian is appointed, the outgoing custodian shall prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested person as designated by the court:

5.8.1. A statement of assets and liabilities;

5.8.2. A statement of operations or of receipts and disbursements covering the period since the last statement of operations and net worth, up to the date of transfer to the successor custodian; and

5.8.3. A statement of the balance in any Fund accounts as of the date of transfer to the successor custodian.

**6. Maintenance of the District Court Fund**

**6.1 Deposits**

All monies of the attorney admission fund shall be deposited only in federally insured banks or savings institutions. Whenever practical and feasible, all substantial sums should be placed in interest-bearing accounts, government securities, or money market funds invested in government obligations, at the direction of the court or advisory committee. The custodian shall segregate the attorney admission fund from all other monies in the custody of the court.

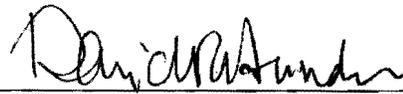
**6.2 Audits**

The District Court Fund is subject to audit by the Administrative Office of the United States Courts. The court may appoint an outside auditor or disinterested person (who may be a government employee) to conduct such additional audits as the court determines may be necessary or appropriate. The custodian shall provide the written results of such audits to the court and may make them available upon request to members of the bar of the court. The auditor may receive reasonable compensation from the District Court Fund, if the auditor is not a government employee acting in an official capacity.

**6.3 Procedures for Dissolution of the Fund**

The court may dissolve the District Court Fund. A final audit shall be performed, and a written accounting rendered to the court, before dissolution of the Fund. The custodian shall ensure that all outstanding obligations are liquidated before dissolution of the fund, including any expenses resulting from the required final audit. The court shall dispose of the remaining monies in ways that fulfill the purpose of the District Court Fund.

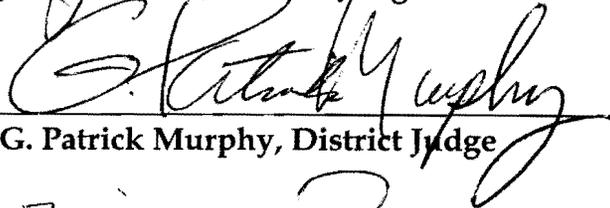
Adopted this 16th day of June, 2011.



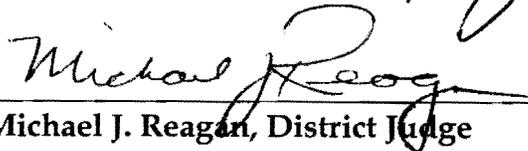
David R. Herndon, Chief Judge



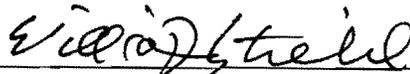
J. Phil Gilbert, District Judge



G. Patrick Murphy, District Judge



Michael J. Reagan, District Judge



William D. Stiehl, District Judge