

**United States District and Bankruptcy Court
District of Idaho**

In the Matter of:)
Guidelines and Plan for Administration) General Order # 161
of Non-Appropriated Fund)
_____)

This Order hereby supersedes and amends General Order No. 58 entered October 18, 1989 and General order No. 132 entered November 15, 1996

In conformity with the *Guide to Judiciary Policies and Procedures*, the Board of Judges of this Court hereby adopt this Plan to establish guidelines and procedures for the administration and operation of the District of Idaho Non-Appropriated Fund.

Source of Funds

Funds to be administered in accordance with this Plan shall consist of:

A. Attorney Admission Fees

1. Attorneys admitted to the Bar of this Court under the conditions prescribed in Local Rule 83.5(a) shall be required to pay to the Clerk of Court an admission fee of Seventy Dollars (\$70.00). Of this fee, Twenty Dollars (\$20.00) will be deposited by the Clerk in the Treasury of the United States, Thirty Dollars (\$30.00) will be deposited into the special Treasury Fund established under 28 U.S.C. §1931, and Twenty Dollars (\$20.00) will be deposited in the District of Idaho Non-Appropriated Fund, hereinafter referred to as the "Fund".
2. Attorneys not admitted to the Bar of this Court who, upon the filing of a verified petition for permission to practice in an individual case, are admitted under the conditions prescribed in Local Rule 83.5(e), shall be required to pay a fee of One Hundred Dollars (\$100.00) for each such verified petition so filed. The entire fee of One Hundred Dollars (\$100.00) will be deposited into the District of Idaho Non-Appropriated Fund.

Administration of the Fund

A. Advisory Committee

The Board of Judges and Lawyer Representatives shall serve as the Advisory Committee on matters relating to the administration of the Fund.

1. Duties and Powers

- (a) Oversee the activities of the Custodian of the Fund.
- (b) Recommend and approve uses of the Fund.

B. Custodian/Trustee

The Clerk of Court is appointed Custodian/Trustee of the Fund. In the event of the absence, retirement or resignation of the Clerk, the Chief Deputy Clerk, or such other person as the Chief Judge designates, shall become Custodian/Trustee. The Clerk may delegate, in writing, a deputy to perform some or all of the duties listed below.

1. Responsibilities and Duties

- (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 Custodian and Chief District Judge or other Judicial Officers.
- (g) Act as Secretary to the Advisory Committee and keep records and minutes of Committee meetings.
- (h) Perform such other duties as Court may direct.

C. Successor Custodian/Trustee

Upon appointment of a successor Custodian/Trustee, the outgoing Custodian

shall prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the Court:

1. a statement of assets and liabilities
2. a statement of the balance in any Fund accounts as of the date of transfer to the successor Custodian/Trustee.

The successor Custodian/Trustee shall execute a receipt for all funds, after being satisfied as to the accuracy of the statements provided by the outgoing Custodian. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

D. Audits and Inspection

1. Routine Audits

The Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts. The Court may appoint an outside auditor or disinterested inspector (who may be a government employee) to conduct such additional audits as the Court determines may be necessary or appropriate. In any event, an audit shall be conducted at least once annually. The written results of such audits or inspections shall be provided to the Court or any member of the Advisory Committee upon request. A copy of such written results of the audits or inspections shall be filed in the Clerk's Office in Boise, Idaho. Reasonable compensation may be provided from the assets of the Fund if the auditor or inspector is not a government employee acting in an official capacity.

2. Final Audit

In the event the Court orders dissolution of the Fund, a terminal audit or inspection shall be performed prior to the dissolution of the Fund and a written accounting rendered to the Court and the Advisory Committee.

E. Protection of the Fund's Assets

1. Funds held by the Custodian must be segregated from all other monies in the custody of the Court.
2. All receipts shall be deposited only in banks or savings institutions where accounts are insured by the Federal Deposit Insurance Corporation (FDIC) or Federal Savings and Loan Insurance Corporation (FSLIC). Whenever practical and feasible, the Custodian shall place all substantial sums into secured,

interest-bearing accounts, government securities, or money market funds invested in government obligations, as the Advisory Committee shall direct. Efforts shall be made to maximize the return on investments consistent with the requirements of convenience and safety.

Uses of the Fund

In general, monies deposited into the Fund must be used for purposes which inure to the benefit of members of the Bench and Bar of this Court in the administration of justice. Any judge, Advisory Committee member, staff member or member of the Bar of this Court may make recommendations for expenditures from the Fund on application to the Custodian of the Fund. The following are examples of proper use of the Fund, but are not intended to be all inclusive:

1. Periodicals and publications for the Court Library for which appropriated funds are not available.
2. Fees for services rendered by outside auditors in auditing the Fund.
3. Reimbursement to lawyer representatives for attendance at Judicial Conferences.
4. Reimbursement of travel costs to attend Committee meetings scheduled by the Court.
5. Purchase of anatomical charts, stands, or audio-visual equipment for courtroom use.
6. Reimbursement of out-of-pocket expenses necessarily incurred by Court-appointed attorneys representing indigents in civil and bankruptcy cases not covered by the Criminal Justice Act. Reimbursement will be limited to Seven Hundred and Fifty Dollars (\$750) per case at the discretion of the trial judge and will be payable at the conclusion of the case.

7. Expenses for the training of Court personnel for which appropriated funds are not available, including attendance at conferences and seminars.
8. Expenses incurred for Attorney Admission ceremonies and other ceremonial occasions.
9. Expenses incurred for state/federal judicial council luncheons and meetings.
10. Expenses associated with attorney rooms and lounges, such as telephones, electrical work and furniture.
11. Expenses associated with training the bar and other groups related to the mission and goals of the Judiciary.
12. Donations to the 9th Circuit Historical Society.
13. Awards for lawyer representatives.
14. Expenses associated with judges pictures or portraits.

Limitations on Uses of the Fund

Monies deposited into the Fund shall not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances shall the Fund be used to supplement the salary of any Court officer or employee.

Dissolution of the Fund

The Court may dissolve the Fund or any portion thereof, whenever considered appropriate to do so. Should the Court order dissolution of the Fund, the Custodian shall ensure that all outstanding obligations are liquidated prior to dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspection, as set forth in this Plan. The Court will direct the disposition of remaining assets in the Fund in ways which will fulfill the purposes of the Fund as set forth in this Plan.

Effective Date

This General Order shall become effective on December 22, 2000.

DATED this _____ day of December, 2000.

B. Lynn Winmill, Chief District Judge

Jim D. Pappas, Chief Bankruptcy Judge