

Jun 04, 2020

SEAN F. MCAVOY, CLERK

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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 IN RE

GENERAL ORDER No. 20-40

8 PLAN FOR THE ADMINISTRATION
9 OF THE NON-APPROPRIATED
10 FUND

11 The United States District Court for the Eastern District of Washington
12 hereby adopts this plan for the administration of the non-appropriated fund
13 pursuant to the authority of the Judicial Conference of the United States, the Guide
14 to Judiciary Policy, Volume 4, Chapter 6.

15 I. ESTABLISHMENT AND SOURCE OF FUND

16 The non-appropriated fund (also known as the attorney admission fund or
17 library fund) consists of attorney admission fees set by local rule or court order
18 charged in excess of the statutorily authorized fees set by the Judicial Conference
19 of the United States, plus any interest income accrued on such fees. This fund is
20 maintained separately from appropriated funds and is not held in the United States

1 Treasury, but rather in federally insured deposit accounts (interest bearing when
2 feasible) or other investments as authorized by the Court and Guide to Judiciary
3 Policy.

4 II. ADMINISTRATION OF FUND

5 The Court appoints the District Court Executive/Clerk of Court as the
6 custodian of the fund. The custodian of the fund must:

- 7 (a) Ensure that all monies for the fund are received, safeguarded, deposited,
8 disbursed, and accounted for in accordance with any pertinent laws, the
9 Guide to Judiciary Policy and Court direction. The Court requires an
10 authorized signatory for the expenditure or transfer of funds, which can
11 include the District Court Executive, the Chief District Judge, the Chief
12 Deputy Clerk of Court, or Magistrate Judge. The authorized signatory
13 must strictly comply with the separation of duties accounting principle
14 with respect to the fund;
- 15 (b) Establish a basic system of accounting that accurately represents:
16 beginning balance of assets; revenue and receipts during reporting
17 period; disbursements during reporting period; outstanding obligations
18 and accounts payable; and ending balance of all assets;
- 19 (c) Provide the Court with signed and certified financial statements within
20 15-days of the end of each quarter calendar year, accurately representing
the financial condition of the fund;
- (d) Maintain audit trail documentation (electronic or hardcopy) exhibiting
all receipts, deposits, income, expenditures, including authorizations and
approvals for each and every disbursement;
- (e) Perform and engage audits of the fund as directed by the Court; and
- (f) Perform such other functions as the court may direct.

1 III. AUTHORIZED EXPENDITURES

2 This fund “must be used only for purposes that benefit the members of the
3 bench and the bar in the administration of justice.” Examples of proper uses of the
4 fund include, but are not limited to, the following:

- 5 (1) Attorney admission proceedings, including expenses of admission
6 committees and admission ceremonies;
- 7 (2) Attorney discipline proceedings, including, but not limited to:
- 8 •expenses of investigating counsel for disciplinary enforcement,
 - 9 •stenographers,
 - 10 •meeting room rentals,
 - 11 •postage,
 - 12 •travel expenses, and
 - 13 •fees of witnesses;
- 14 (3) Furnishings, equipment, and amenities for lawyer lounges that may not
15 be purchased or funded from appropriations. Examples include:
- 16 •furniture,
 - 17 •photocopiers and fax machines,
 - 18 •beverage supplies or service,
 - 19 •microwave, refrigerator, and other appliances, and
 - 20 •television, telephone and internet service;
- (4) Surety bond for the custodian of the fund only covering monies in the
 fund;
- (5) Fees for services rendered by outside auditors or accountants in
 auditing the fund;
- (6) Reimbursement of pro bono counsel for out-of-pocket expenses,
 payment of compensation to pro bono counsel, and payment of witness
 fees and other expenses for indigent pro se civil litigants in accordance
 with General Order 16-114-1, in effect and as may be amended. In the
 event of an award of attorney’s fees or costs to pro bono counsel in the

1 course of such litigation, the court may order return to the fund of any
2 payments made from the fund to counsel for fees and expenses in an
amount equal to the award;

- 3 (7) Donations to organizations that provide legal representation, advice, or
4 assistance to unrepresented litigants in federal civil matters, including
5 representation for settlement conferences or other alternative dispute
resolution activities, provided that such organizations use the donation
for no other purpose;
- 6 (8) Expenditures for comfort and convenience of settlement (mediation,
7 ADR) conference attendees for items that cannot be purchased with
appropriated funds;
- 8 (9) Expenditures for comfort and convenience of jurors for items that
9 cannot be purchased with appropriated funds;
- 10 (10) Reasonable expenditures for Law Day and Naturalization programs;
- 11 (11) Reimbursement by district courts to jurors for lost or damaged personal
12 property incident to their jury service, when compensation is not
available under a statute such as the Federal Tort Claims Act;
- 13 (12) Hospitality items (e.g., food, beverages, mementos) for which
14 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;
- 15 (13) Cash donations to law-related educational or charitable organizations,
16 such as a historical society, law school, or bar association, for purposes
17 that advance the administration of justice in the courts. In considering
such donations, care should be exercised to avoid the appearance of
18 impropriety, undue favoritism, conflicts of interest and other concerns
under the Codes of Conduct for United States Judges and Judicial
Employees;
- 19 (14) Expenses of circuit judicial conferences, to the extent permitted by
20 Judicial Conference policy;

1 (15) Reimbursing reasonable travel expenses incurred by lawyer
2 representatives to attend out-of-district conference planning meetings,
3 attended in the lawyer representative's official capacity; LRCC
4 member's attendance at up to two meetings to which that lawyer
5 representative is invited in an official capacity; and Ninth Circuit
6 Judicial Conferences;

7 (16) Books, periodicals, and other resource materials for court libraries (for
8 which appropriated funds may also be used);

9 (17) Educational programs for lawyers, law students and the public; and

10 (18) Any other purpose for which appropriated funds may not legally be
11 used that will benefit "the bench and the bar in the administration of
12 justice."

13 The Chief District Judge shall have the authority to approve individual
14 disbursements not exceeding \$2,500.00. All expenditures in excess of \$2,500.00
15 may be authorized only by a majority of the active district judges. Any judge, staff
16 member, or member of the bar of this court may make recommendations for
17 expenditures.

18 This Plan shall be administered in accordance with the Guide to Judiciary
19 Policy in effect and as amended. This General Order supersedes General Order
20 Nos. 05-40, 08-40, and 13-40, and is effective immediately.

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1 The District Court Executive/Clerk of Court is directed to post a copy of this
2 General Order to the Court's public web site so that it is available to the bar.

3 **IT IS SO ORDERED.**

4 DATED June 4, 2020.



Thomas O. Rice

THOMAS O. RICE
Chief United States District Judge
On behalf of the Court

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