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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING U.S. DISTRICT COURT

IN THE MATTER OF:

GUIDELINES AND PLAN FOR  
ADMINISTERING NON-APPROPRIATED  
FUNDS.

**GENERAL ORDER REGARDING NON-APPROPRIATED  
FUND ADMINISTRATION**

The Judges of the United States District Court for the District of Wyoming adopt this Plan to establish guidelines and procedures for the administration and operation of a non-appropriated fund. The source for this Guideline and Plan is found in the guide to Judiciary Policies and Procedures, Vol. I-A, Chapter VII, Parts C and M and Appendix M, Revised December 1999.

Funds to be administered in accordance with this Plan are:

A. Attorneys admitted to the Bar of this Court under conditions prescribed for general admission under U.S.D.C.L.R. 83.12.2(a) shall be required to pay to the Clerk of Court an admission fee of one hundred dollars (\$100.00). The sum of fifty dollars (\$50.00) will be deposited by the Clerk into the Treasury of the United States of America, and fifty dollars (\$50.00) will be deposited in the District of Wyoming's non-appropriated fund ("Fund").

B. Attorneys seeking admission *pro hac vice* under the conditions prescribed in U.S.D.C.L.R. 83.12.2(b) shall be required to pay a fee of one hundred (\$100.00) for each appearance in a matter before this Court. The entire fee of one hundred dollars (\$100.00) will be deposited into the Fund.

C. Attorneys seeking admission *pro hac vice* in adversary cases pending before the U.S. Bankruptcy Court for the District of Wyoming under the conditions prescribed in U.S.D.C.L.R. 83.12.2(b) and L.B.R. 9010-1(C) shall be required to pay a fee of one hundred dollars (\$100.00) for each appearance in an adversary case before the Bankruptcy Court. The entire fee of one hundred dollars (\$100.00) will be paid to the District Court and deposited into the Fund.

#### **Administration of the Fund**

An Advisory Committee shall be appointed by the Court to advise the Court and the Funds Custodian on matters relating to the administration of the fund.

A. Composition of the Advisory Committee:

- (1) An Active United States District Judge for the District of Wyoming;
- (2) The United States Bankruptcy Judge for the District of Wyoming;
- (3) A United States Magistrate Judge for the District of Wyoming;
- (4) The Clerk of the United States District Court for the District of Wyoming, who shall act as Secretary to the Advisory Committee; and
- (5) Two lawyer representatives, who are regularly admitted and licensed to practice before the Supreme Court of Wyoming and before the United States District Court for the District of Wyoming.

B. Duties and powers:

- (1) Oversees the activities of the Custodian of the fund; and
- (2) Exercise authority approving individual disbursement not exceeding five hundred dollars (\$500.00), and the Chairperson shall have authority as to individual disbursements not exceeding two hundred fifty dollars (\$250.00). All expenditures in excess of five hundred (\$500.00) may be authorized only by majority of the Advisory Committee.

C. Custodian/Trustee:

The Clerk of the District Court is appointed Custodian/Trustee of the Fund. In the event of absence, retirement or resignation of the Clerk, the Chief Deputy Clerk, or such other person as the Chief District Judge designates shall become the Custodian/Trustee.

1. Responsibilities and Duties of the Custodian/Trustee:

- (a) Receive, safeguard, deposit, disburse and account for all funds, as prescribed in this Plan and in pertinent laws;
- (b) Secure a bond to be paid from assets of the fund if required by the Court;
- (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 financial statements and operating reports are prepared quarterly and sign the same, certifying that the statements and reports accurately represent the financial condition of the fund;

(e) Invest monies from the fund with approval of the Advisory Committee in accordance with this plan;

(f) Sign checks drawn on the fund. The checks shall be countersigned by the Chief District Judge, or in the absence of the Chief District Judge, by the Vice-Chairperson of the Advisory Committee;

(g) Act as Secretary to the Advisory Committee and keep records and minutes of committee meetings;

(h) Perform such other duties as the Chief District Judge and the Advisory Committee may direct.

C. Successor Custodian/Trustee:

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

(1) A statement of assets and liabilities;

(2) A statement of operations or of receipts and disbursement covering the period since the last statement of operations and net worth, up to the date of transfer to the Successor Custodian/Trustee;

(3) A statement of the balance in any fund accounts as of the date of transfer to the successor Custodian/Trustee.

The Successor Custodian/Trustee should execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the

outgoing Custodian/Trustee. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

D. Audits and Inspections:

(1) Audits.

Funds are 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. The written results of such audit should be provided to the Court and may be made available upon request to members of the bar of the Court. Reasonable compensation may be provided from fund assets if the auditor is not a government employee acting in an official capacity.

2. Final Audit.

A final audit should be performed prior to the dissolution of the fund and a written accounting rendered to the court and Advisory Committee.

E. Protection of the Fund.

All receipts should be deposited in federally insured banks or savings institutions, and, 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. Assets held by the custodian must be segregated from all other monies in the custody of the court, including other non-appropriated funds.

F. General Principles and Guidelines for Expenditure of the Fund:

(1) Funds are to be used for the benefit of the bench and bar in the administration of justice. Attorney admission fees collected by the court which are in excess of the amount prescribed by the Judicial Conference Schedule of Additional Fees constitute non-appropriated funds. Monies maintained in such funds should not be used for purposes which do not enure to the benefit of the members of the bench and bar in the administration of justice. Non-appropriated funds may not be used to supplement appropriated funds and may not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances should such funds be used to supplement the salary of any court officer or employee.

(2) Examples of proper use of non-appropriated fund:

(a) Attorney admission proceedings (including expenses of admissions, committees and admissions ceremonies);

(b) Attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings);

(c) Periodicals and publications for court libraries for which appropriated funds are not available;

(d) Anatomical charts and stands for courtroom use;

(e) Computerization of library catalog;

- (f) Lawyer lounge facilities;
- (g) Surety bond for the custodian of the fund (bond may only cover monies in the fund);
- (h) Fees for services rendered by outside auditors in auditing the fund;
- (i) Reimbursement of out-of-pocket expenses necessarily incurred by court-appointed attorneys representing indigents in civil cases not covered by the Criminal Justice Act. Reimbursements will be limited to no more than \$500<sup>00</sup> per case at the discretion of the Advisory Committee upon recommendation of the trial judge and will be payable at the conclusion of the case;
- (j) Expenses for the training of court personnel, including CJA Panel members, for which appropriated funds are not available, including attending conferences and seminars.

### **Dissolution of the Fund**

The Court may dissolve the non-appropriated fund or any portion thereof, which has been created by this General Order. The Custodian shall ensure that all outstanding obligations are liquidated prior to dissolution of the fund, including any expenses resulting from the required final audit. Effort should be made to dispose of the assets of the fund in ways which fulfill the purposes of the fund as set forth herein.

Effective Date

This Plan shall become effective on Sept. 1, 2002.

Dated this 27<sup>th</sup> day of August, 2002.



WILLIAM F. DOWNES  
CHIEF JUDGE



CLARENCE A. BRIMMER  
UNITED STATES DISTRICT JUDGE



ALAN B. JOHNSON  
UNITED STATES DISTRICT JUDGE



PETER J. MCNIFF  
UNITED STATES BANKRUPTCY JUDGE



WILLIAM C. BEAMAN  
UNITED STATES MAGISTRATE JUDGE