

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

JUN -1 2018

Stephan Harris, Clerk  
Cheyenne

IN THE MATTER OF:

GUIDELINES AND PLAN FOR ADMINISTERING  
ATTORNEY ADMISSION FEES

Administrative General  
Order 2018-02

GENERAL ORDER REGARDING ATTORNEY ADMISSION FEES

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 attorney admission fees. The source for this guideline and plan can be found in the, *Guide to Judiciary Policy*, Vol. 13, Ch.12, revised May 2012.

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. 84.2(a) shall be required to pay to the Clerk of Court an admission fee of two hundred twenty-six dollars (\$226.00). The sum of one hundred seventy-six dollars (\$176.00) 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 attorney admissions fees fund ("Fund").

B. Attorneys seeking admission *pro hac vice* under the conditions prescribed in U.S.D.C.L.R. 84.2(b) shall be required to pay a fee of one hundred (\$100.00) for each appearance in the 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. 84.2(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) The Chief Judge shall have authority as to individual disbursements not exceeding five hundred dollars (\$500.00). All expenditures in excess of five hundred dollars (\$500.00) may be authorized only by majority of the Advisory Committee.

**C. Custodian:**

The Clerk of the District Court is appointed custodian 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.

1. Responsibilities and Duties of the Custodian:

- (a) Ensure that all monies for the fund are received, safeguarded, deposited, disbursed and accounted for in accordance with this plan and any pertinent laws.
- (b) Establish a checking and deposit account and accounting system for the Fund and maintain proper records of receipts and disbursements.
- (c) Ensure that financial statements and operating reports are prepared quarterly and signed the same, certifying that the statements and reports accurately represent the financial condition of the Fund.
- (d) Deposit or invest monies from the Fund with the approval of the Advisory Committee in accordance with this plan.
- (e) Sign checks drawn on the Fund. The checks shall be countersigned by the Chief District Judge.
- (f) Act as secretary to the Advisory Committee and keep records and minutes of committee meetings.
- (g) Perform such other duties as the Chief District Judge and the Advisory Committee may direct.

**D. Successor Custodian:**

Upon appointment of a successor custodian, 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;

- (1) A statement of assets and liabilities;
- (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;
- (3) A statement of the balance in any fund accounts as of the date of transfer to the successor custodian.

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

**E. 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 for from the Fund 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.

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

**G. 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 ensure 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 common uses of attorney admission funds include, but are not limited to, the following:

- (a) Attorney admission proceedings, including expenses of admission committees and admission ceremonies.

- (b) 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.
- (c) Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations. Examples:
  - i. furniture;
  - ii. photocopiers and fax machines;
  - iii. beverage supplies or service;
  - iv. microwave, refrigerator, and other appliances; and
  - v. television, telephone and internet service.
- (d) Surety bond for the custodian of the fund. (The bond may only cover monies in the fund.)
- (e) Fees for services rendered by outside auditors or accountants in auditing the fund.
- (f) Reimbursement of pro bono counsel for out-of-pocket expense, payment of compensation to pro bono counsel, and payment of witness fees and other expenses for indigent pro se civil litigants.
- (g) Reimbursement by district courts 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.
- (h) 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.

- (i) 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. In considering such donations, care should be exercised to avoid the appearance of impropriety, undue favoritism, conflicts of interest and other concerns under the Codes of Conduct for United States Judges and Judicial Employees (Guide, Vol. 2A).
- (j) Expenses of circuit judicial conferences to the extent permitted by the policy of the Judicial Conference of the United States. Expenditures may be paid from any court's attorney admission fund. **See:** JCUS-MAR 05, p.5
- (k) Any other purpose for which appropriated funds may not legally be used that will benefit the bench and the bar in administration of justice. For limitations, **see:** §1230.
- (l) For internal control requirements applicable to the attorney admission fund. **See:** Guide, Vol. 11, §270.

#### **Dissolution of the Fund**

The Court may dissolve the attorney admission fund or any portion thereof, which has been created by this General Order. A final audit must be performed, and a written accounting rendered to the Court, before dissolution of the fund. The custodian must ensure that all outstanding obligations are liquidated before dissolution of the fund, including any expenses resulting from the required final audit. The Court must dispose of the remaining monies in ways that fulfill the purposes of the attorney admission fund as set forth herein.

**Effective Date**

This Plan shall become effective on June 1, 2018.

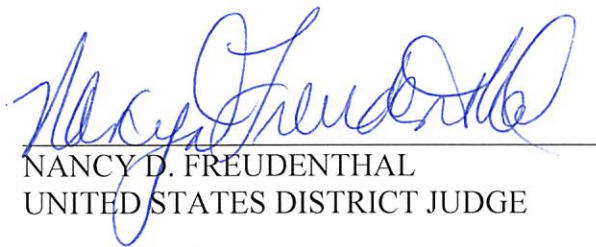
Dated this 1<sup>st</sup> day of June 2018.



SCOTT W. SKAVDAHL  
CHIEF JUDGE



ALAN B. JOHNSON  
UNITED STATES DISTRICT JUDGE



NANCY D. FREUDENTHAL  
UNITED STATES DISTRICT JUDGE



KELLY H. RANKIN  
UNITED STATES MAGISTRATE JUDGE



CASEY PARKER  
UNITED STATES BANKRUPTCY JUDGE