

Sep 22, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE

PLAN FOR THE ADMINISTRATION
OF THE NON-APPROPRIATED
FUND

GENERAL ORDER No. 2022-25

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

I. ESTABLISHMENT AND SOURCE OF FUND

The non-appropriated fund (also known as the attorney admission fund or library fund) consists of attorney admission fees set by local rule or court order charged in excess of the statutorily authorized fees set by the Judicial Conference of the United States, plus any interest income accrued on such fees. This fund is maintained separately from appropriated funds and is not held in the United States Treasury, but rather in federally insured deposit accounts (interest bearing when

1 feasible) or other investments as authorized by the Court and Guide to Judiciary
2 Policy.

3 II. ADMINISTRATION OF FUND

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

- 6 (a) Ensure that all monies for the fund are received, safeguarded, deposited,
7 disbursed, and accounted for in accordance with any pertinent laws, the
8 Guide to Judiciary Policy and Court direction. The Court requires an
9 authorized signatory for the expenditure or transfer of funds, which can
10 include the Chief District Judge, one of the Court's Magistrate Judges,
11 District Court Executive, or the Chief Deputy Clerk of Court. The
12 authorized signatory must strictly comply with the separation of duties
13 accounting principle with respect to the fund;
- 14 (b) Establish a basic system of accounting that accurately represents:
15 beginning balance of assets; revenue and receipts during reporting
16 period; disbursements during reporting period; outstanding obligations
17 and accounts payable; and ending balance of all assets;
- 18 (c) Provide the Court with financial statements within 15-days of the end of
19 each quarter calendar year, accurately representing the financial
20 condition of the fund;

- 1 (d) Maintain audit trail documentation (electronic or hardcopy) exhibiting
2 all receipts, deposits, income, expenditures, including authorizations and
3 approvals for each and every disbursement;
- 4 (e) Perform and engage audits of the fund as directed by the Court; and
- 5 (f) Perform such other functions as the Court may direct.

6 III. AUTHORIZED EXPENDITURES

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

- 10 (1) Attorney admission proceedings, including expenses of admission
11 committees and admission ceremonies;
- 12 (2) Attorney discipline proceedings, including, but not limited to:
- 13 •expenses of investigating counsel for disciplinary enforcement,
 - 14 •stenographers,
 - 15 •meeting room rentals,
 - 16 •postage,
 - 17 •travel expenses, and
 - 18 •fees of witnesses;
- 19 (3) Furnishings, equipment, and amenities for lawyer lounges that may not
20 be purchased or funded from appropriations. Examples include:

- furniture,
- photocopiers and fax machines,
- beverage supplies or service,
- microwave, refrigerator, and other appliances, and
- 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 course of such litigation, the court may order return to the fund of any payments made from the fund to counsel for fees and expenses in an amount equal to the award;

(7) Donations to organizations that provide legal representation, advice, or assistance to unrepresented litigants in federal civil matters, including representation for settlement conferences or other alternative dispute

1 resolution activities, provided that such organizations use the donation
2 for no other purpose;

3 (8) Expenditures for comfort and convenience of settlement (mediation,
4 ADR) conference attendees for items that cannot be purchased with
5 appropriated funds;

6 (9) Expenditures for comfort and convenience of jurors for items that
7 cannot be purchased with appropriated funds;

8 (10) Reasonable expenditures for Law Day and Naturalization programs;

9 (11) Reimbursement to jurors for lost or damaged personal property incident
10 to their jury service, when compensation is not available under a statute
11 such as the Federal Tort Claims Act;

12 (12) Hospitality items (e.g., food, beverages, mementos) for which
13 appropriated funds may not be used, including meals and beverages for
14 judges and employees attending a bench/bar meeting or similar event at
15 their official duty station in a non-official capacity;

16
17 (13) Cash donations to law-related educational or charitable organizations,
18 such as a historical society, law school, or bar association, for purposes
19 that advance the administration of justice in the courts. In considering
20 such donations, care should be exercised to avoid the appearance of

1 impropriety, undue favoritism, conflicts of interest and other concerns
2 under the Codes of Conduct for United States Judges and Judicial
3 Employees;

4 (14) Expenses of circuit judicial conferences, to the extent permitted by
5 Judicial Conference policy;

6 (15) Travel expenses incurred by lawyer representatives to be reimbursed in
7 accordance with the Attorney Representative Travel Policy ;

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

10 (17) Books, materials, supplies and contests winnings for educational and
11 outreach programs for lawyers, law students and the public

12 (18) WAED Challenge Coin Program- In recognition of members of the
13 public, Bar (federal or state), or representatives from outside agencies
14 who work in partnership with the Court in furtherance of its mission.

15 (19) Mementos for appreciation to panel participants in support of hiring a
16 new Judge for this District. (Employees or staff members excluded)
17 and

18 (20) Any other purpose for which appropriated funds may not legally be
19 used that will benefit “the bench and the bar in the administration of
20 justice.”

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

6 This Plan shall be administered in accordance with the Guide to Judiciary
7 Policy in effect and as amended. This General Order supersedes General Order
8 No. 20-40, signed June 04, 2020, and is effective immediately.

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

11 **IT IS SO ORDERED.**

12 DATED September 22, 2022.

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15 STANLEY A. BASTIAN
16 Chief United States District Judge
17 On behalf of the Court
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