

FILED
U.S. DISTRICT COURT

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DISTRICT OF IDAHO
JERRY L. CLAPP, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

In the Matter of)
)
GUIDELINES AND PLAN FOR)
ADMINISTRATION OF NON-)
APPROPRIATED FUNDS.)
_____)

GENERAL ORDER NO. 58

This order supercedes and amends General Order No. 56, entered August 10, 1989.

In conformity with the Guidelines for the Administration of Non-Appropriated Funds Maintained by the Courts of the United States, issued by the Director of the Administrative Office of the United States Courts on October 1, 1981, and amended on October 31, 1986, the judges of this Court 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 1-105(a) shall be required to pay to the Clerk of Court an admission fee of Forty Dollars (\$40.00). Of this fee, Twenty Dollars (\$20.00) will be deposited by the clerk in the Treasury of the United States, and

Twenty Dollars (\$20.00) will be deposited in the District of Idaho Non-Appropriated Fund (hereinafter, "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 1-105(d), shall be required to pay a fee of Twenty Dollars (\$20.00) for each such verified petition so filed. The entire fee of Twenty Dollars (\$20.00) will be deposited into the Fund.

ADMINISTRATION OF THE FUND

A. Advisory Committee

An Advisory Committee shall be appointed by the Court to advise the Court and the Fund's custodian on matters relating to the administration of the Fund.

1. Membership of the committee.

- (a) an active United States District Judge
- (b) a United States Bankruptcy Judge
- (c) a United States Magistrate
- (d) the Clerk of Court, who shall act as secretary to the committee
- (e) a lawyer representative

2. Duties and powers.

- (a) Oversee the activities of the Custodian of the Fund.

(b) Have the authority to approve individual disbursements not exceeding Two Hundred Fifty Dollars (\$250.00), and the Chairman shall have such authority as to individual disbursements not exceeding One Hundred Dollars (\$100.00). All expenditures in excess of Two Hundred Fifty Dollars (\$250.00) may be authorized only by a majority of the said Advisory Committee.

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 District Judge designates, shall become the Custodian/Trustee.

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, to be paid for 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 a financial statement and operating report is prepared quarterly.

- (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 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. Surety bond for the Custodian/Trustee of the Fund. (The bond may cover only monies in the Fund.)
3. Fees for services rendered by outside auditors in auditing the trust.

4. 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 Two Hundred Dollars (\$200.00) per case at the discretion of the trial judge and will be payable at the conclusion of the case.
5. Expenses for the training of court personnel for which appropriated funds are not available, including attendance at conferences and seminars.

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.

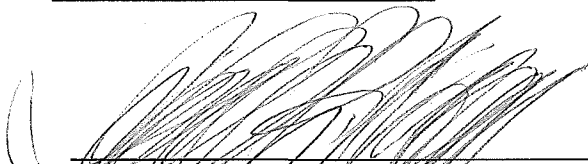
DISSOLUTION OF THE FUND

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.

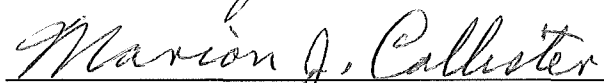
EFFECTIVE DATE

This Plan shall become effective on **September 1, 1989.**


DATED this 18th day of October, 1989.



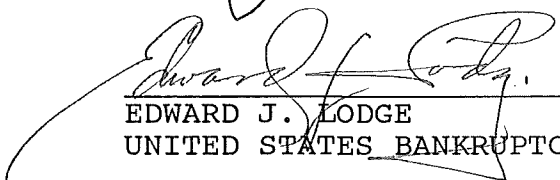
HAROLD L. RYAN, CHIEF
UNITED STATES DISTRICT JUDGE




MARION J. CALLISTER
UNITED STATES DISTRICT JUDGE



ALFRED C. HAGAN, CHIEF
UNITED STATES BANKRUPTCY JUDGE



EDWARD J. LODGE
UNITED STATES BANKRUPTCY JUDGE



MIKEL H. WILLIAMS
UNITED STATES MAGISTRATE