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3	OCT 19, 2010				
4	CLERK US DISTRICT COURT DISTRICT OF ARIZONA				
5	BY <u>/s/D. Lucas</u> DEPUTY				
6	IN THE UNITED STATES DISTRICT COURT				
7	FOR THE DISTRICT OF ARIZONA				
8 9 10	In the matter of) GUIDELINES AND PLAN FOR) ADMINISTRATION OF NON-APPROPRIATED) GENERAL ORDER 10-10				
11	FUNDS				
12	SUPERSEDES GENERAL ORDER 09-19				
13	The Guidelines and Plan for Administration of Non-Appropriated Funds for the District of				
14	Arizona promulgated in General Order 07-12 is vacated, and the following plan is substituted as the				
15	Guidelines and Plan for the District of Arizona.				
16	I. GENERAL				
17	a. Attorneys admitted to practice in the District of Arizona under the conditions prescribed				
18	in LRCiv 83.1(a) are required to pay an admission fee. A portion of that fee as prescribed by the				
19	Director of the Administrative Office of the U.S. Courts will be deposited in the Treasury of the				
20	United States pursuant to 28 U.S.C. § 751(e), and the remaining funds will be deposited in a				
21	federally insured, interest bearing account and segregated from all other funds held by the Court.				
22	The account shall be held in the name of the District of Arizona Non-Appropriated Fund to be				
23	administered as provided herein.				
24	b. The fee collected by the Clerk for admission of attorneys pro hac vice, according to				
25	LRCiv 83.1(b)(3), will also be deposited in a federally insured, interest bearing account and				
26	segregated from all other funds held by the Court. The account shall be in the name of the District				
27	of Arizona Non-Appropriated Fund to be administered as provided herein.				
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II. POLICIES, RESPONSIBILITIES AND PROCEDURES

a. Funds derived from attorney admission fees, that are in excess of those required to
be deposited in the Treasury of the United States, are non-appropriated funds and are not the
property of the United States.

b. The Clerk of the United States District Court for the District of Arizona is designated
as Custodian of the Non-Appropriated Fund.

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c. The Custodian shall cause the fund to be audited on at least an annual basis, and at such other times as deemed necessary or as directed by the Advisory Committee or the Court, and will provide an annual report to the Court on the status, balance, and utilization of the fund.

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d. The Custodian will be responsible for the following:

10 (1) Receiving, safeguarding, depositing, distributing, and accounting for all 11 funds in accordance with this Plan or as directed by the Advisory Committee. 12 Recurring expenses that have been authorized by the Advisory Committee for 13 payment, non-recurring expenses that have been specifically so authorized, and 14 expenses authorized by paragraph IV.d(9) of this Order shall be paid by the 15 Custodian. All disbursements shall require the signature of the Custodian or the 16 Custodian's designee in his absence and will be countersigned by a member of the 17 Advisory Committee or designated second signature for the fund. 18 (2) Establishing an account or accounts as required under Section IV.(a). 19 (3) Establishing and maintaining an accounting system that provides the

records necessary for audit trail and recordation of all funds and

disbursements.

(4) Preparing periodic financial statements and operating reports as required, and certifying that the statements and reports accurately reflect the financial condition of the fund.

(5) Upon recommendation and advice of the Advisory Committee, investing funds in excess of immediate needs in appropriate interest bearing accounts.

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1	III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR				
2	a. When a successor Custodian is appointed, the outgoing Custodian will prepare and				
3	sign the following statements in conjunction with an exit audit conducted by an auditor or				
4	disinterested person designated by the Advisory Committee:				
5	(1) A statement of assets and liabilities.				
6	(2) A statement of operation or of receipts and disbursements since the period				
7	covered by the last statement of operation prepared by the Court.				
8	(3) A statement of the balance in any fund account as of the date of transfer to				
9	the successor Custodian.				
10	b. The successor Custodian will execute a receipt for all funds after being satisfied as to				
11	the accuracy of the statements and records provided by the outgoing Custodian.				
12	IV. ADVISORY COMMITTEE				
13	An Advisory Committee, to be appointed by the Court, for the purpose of advising the Court				
14	and the Custodian on matters of policy in the administration of the fund will be composed as				
15	follows:				
16	Chief Judge or Designee Tucson Division Judge				
17	Phoenix Division Judge A Bankruptcy Judge				
18	A Full-time Magistrate Judge District Court Executive/Clerk of Court - Custodian				
19	Representative of the Bar of this Court				
20	The fund is subject to audits by the Administrative Office of the United States Courts if				
21	requested or authorized by the United States District Court for the District of Arizona, or the Ninth				
22	Circuit Council Executive Committee. The court may appoint an outside auditor to conduct such				
23	audits as the Court determines may be necessary or appropriate.				
24	a. All receipts should be deposited only in federally insured (FDIC) banks or				
25	institutions, and whenever practical or feasible, all substantial sums should be placed in federally				
26	insured, interest-bearing accounts. In addition, funds may be placed in interest bearing, federally				
27	insured Certificates of Deposit. Efforts will be made to maximize the return on instruments				
28	consistent with the requirements of convenience and safety and with the approval of the Advisory				

Committee. No one bank or institution may hold an amount that exceeds the Federal Deposit
 Insurance Corporation's insured amount limit unless the funds are fully collateralized in accordance
 with 31 C.F.R. 202

b. Attorney admission fees collected by the Clerk which are in excess of the amount
prescribed by the Judicial Conference and deposited to the Treasury of the United States, constitute
non-appropriated funds and shall be used only for purposes which inure to the benefit of the
members of the Bench and Bar in the administration of justice.

8 c. Non-appropriated funds will not be used to pay for material or supplies available
9 from statutory appropriations. Under no circumstances should the fund be used to supplement the
10 salary of any court officer or employee.

d. The following are examples of proper use of the fund but are not intended to be allinclusive.

13 (1) Attorney admission proceedings (including expenses of admissions
14 committee and admissions ceremonies.)

15 (2) Attorney discipline proceedings (including expenses of investigating

- 16 counsel for disciplinary enforcement, travel expenses, and witness fees in
 17 disciplinary proceedings.)
- 18 (3) Periodicals and publications for court library for which appropriated funds19 are not available.
 - (4) Anatomical charts and stands for courtroom use.
- 21 (5) Computerization of library catalog.
- 22 (6) Lawyer lounge facilities.

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- 23 (7) Surety bond for the Custodian of the fund. (Bond may only cover monies in the
 24 fund.)
 - (8) Fees for services rendered by outside auditors in auditing the trust.
- 26 (9) In the discretion of the trial judge, reimbursement of actual and reasonable out
 - of-pocket expenses necessarily incurred by court appointed attorneys representing
 - indigents in civil cases not covered by the Criminal Justice Act. Reimbursements are

1		limited to \$3,000. Generally, the court will not reimburse expert witness fees in su	ıch
2		cases.	
3		(10) Expenses for the training of court personnel for which appropriated funds	
4		are not available, including attendance at conferences and seminars.	
5	e.	The following recurring expenses may be paid by the Custodian without reference	of
6		the matter to the full committee:	
7		(1) Subscriptions, Publications, Internet Access and Data Link \$ 1,500	.00
8		(2) AZALL Professional Dues 150	.00
9		(3) U.S. District Court Awards 250	.00
10		(4) Attorney Admission Certificate Production 100	.00
11		(5) Floral arrangements for funeral services or donations_in 150. memory of members of the bench, bar and court staff, or	00
12		members of their immediate families.	
13		(6) Ad Hoc expenses with notification to the full committee within 30 days of the expenditure. 500	.00
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15		DATED this 19 th day of October, 2010.	
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19 20		John M. Roll Chief United States District Judge	
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