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OCTOBER 8, 2024	
CLERK US DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>s/ M. Everette</u> DEPUTY	

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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 In the matter of

10 GUIDELINES AND PLAN FOR  
11 ADMINISTRATION OF  
12 NON-APPROPRIATED FUNDS

GENERAL ORDER 24-12

13 **SUPERSEDES GENERAL ORDER 10-10**

14 The Guidelines and Plan for Administration of Non-Appropriated Funds for the  
15 District of Arizona promulgated in General Order 10-10 is vacated, and the plan that  
16 follows is substituted as the Guidelines and Plan for the District of Arizona.

17 **I. GENERAL**

18 A. Attorneys admitted to practice in the District of Arizona under the  
19 conditions prescribed in LRCiv 83.1(a) are required to pay an admission  
20 fee. A portion of that fee as prescribed by the Director of the Administrative  
21 Office of the U. S. Courts will be deposited in the Treasury of the United  
22 States pursuant to 28 U.S.C. § 751(e), and the remaining funds will be  
23 deposited in federally insured, interest-bearing accounts and segregated  
24 from all other funds held by the Court. The accounts shall be held in the  
25 name of the District of Arizona Non-Appropriated Fund to be administered  
26 as provided herein. Funds derived from attorney admission fees that are in  
27 excess of those required to be deposited in the Treasury of the United States  
28 are Non-Appropriated Funds and are not the property of the United States.

- 1 B. The fee collected by the Clerk for admission of attorneys pro hac vice,  
2 according to LRCiv 83.1(b)(2), will also be deposited in federally insured,  
3 interest-bearing accounts and segregated from all other funds held by the  
4 Court. The accounts shall be in the name of the District of Arizona Non-  
5 Appropriated Fund to be administered as provided herein.

6 **II. POLICIES, RESPONSIBILITIES AND PROCEDURES**

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

- 9 B. The Custodian shall cause the Fund to be audited on at least an annual  
10 basis, and at such times as deemed necessary or as directed by the Non-  
11 Appropriated Fund Committee (hereafter Committee) or the Court, and will  
12 provide an annual report to the Court on the status, balance, and utilization  
13 of the Fund.

- 14 D. The Custodian will be responsible for the following:

- 15 1. Receiving, safeguarding, depositing, distributing, and accounting for  
16 all Non-Appropriated Funds in accordance with this Plan or as  
17 directed by the Committee. Recurring expenses that have been  
18 authorized by the Committee for payment, non-recurring expenses  
19 that have been specifically authorized, and expenses authorized by  
20 paragraph IV.D of this Order shall be paid by the Custodian. All  
21 disbursements shall require the signature of the Custodian or the  
22 Custodian's designee in his or her absence and will be countersigned  
23 by a member of the Committee or designated second signature for  
24 the Fund.
- 25 2. Establishing an account or accounts as required under Section IV.A.
- 26 3. Establishing and maintaining an accounting system that provides the  
27 records necessary for audit and recording of all funds and  
28 disbursements.

4. Preparing periodic financial statements and operating reports as required, and certifying the statements and reports accurately reflect the financial condition of the Fund.
5. Upon recommendation and advice of the Committee, investing funds in excess of immediate needs in appropriate interest-bearing accounts.

### **III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR**

- A. When a successor Custodian is appointed, the outgoing Custodian will prepare and sign the following statements in conjunction with an exit audit conducted by an auditor or disinterested person designated by the Committee:
  1. A statement of assets and liabilities.
  2. A statement of operation or of receipts and disbursements since the period covered by the last statement of operation prepared by the Court.
  3. A statement of the balance in any NAF account as of the date of transfer to the successor Custodian.
- B. The successor Custodian will execute a receipt for all funds after being satisfied of the accuracy of the statements and records provided by the outgoing Custodian.

### **IV. NON-APPROPRIATED FUND COMMITTEE**

- A. A Committee, to be appointed by the Court, for the purpose of advising the Court and the Custodian on matters of policy in the administration of the Fund will be composed as follows:
  - Chief Judge or Designee
  - A Tucson Division Judge
  - A Phoenix Division Judge
  - A Bankruptcy Judge

1 A Full-time Magistrate Judge

2 A District Court Executive/Clerk of Court – Custodian

3 A Representative of the Bar of this Court for a two-year term

- 4 B. The Non-Appropriated Fund is subject to audits by the Administrative  
5 Office of the United States Courts if requested or authorized by the United  
6 States District Court for the District of Arizona, or the Ninth Circuit  
7 Council Executive Committee. The Court may appoint an outside auditor to  
8 conduct such audits as the Court determines may be necessary or  
9 appropriate.
- 10 C. All receipts must be deposited only in federally insured (FDIC) banks or  
11 institutions and, whenever practical or feasible, all substantial sums should  
12 be placed in federally insured, interest-bearing accounts. In addition, funds  
13 may be placed in interest-bearing, federally insured Certificates of Deposit.  
14 Efforts must be made to maximize the return on instruments consistent with  
15 the requirements of convenience and safety and with the approval of the  
16 Committee.
- 17 D. Non-Appropriated Funds shall be used only for the purpose which inure to  
18 the benefit of the members of the Bench and Bar in the administration of  
19 justice.
- 20 E. Non-Appropriated Funds will not be used to pay for material or supplies  
21 available from statutory appropriations. Under no circumstances should the  
22 Fund be used to supplement the salary of any Court officer or employee.
- 23 F. The following uses of Non-Appropriated Funds are approved by the Court  
24 and provide examples of proper use of the Fund but are not intended to be  
25 all inclusive.
- 26 1. Costs of attorney admission proceedings.

2. Costs of attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses, and witness fees in disciplinary proceedings).
3. Expenses for the Court library for which appropriated funds are not available, such as periodicals, books, equipment, and public wi-fi access.
4. Providing adequate facilities for attorneys practicing in the Court.
5. Collection and preservation of items and records of historical value to the Court and public.
6. Procurement of fidelity bond for the Custodian of the Fund. (Bond may only cover monies in the Fund.)
7. Fees for services rendered by outside auditors in auditing the Fund.
8. In the discretion of a trial judge, reimbursement for actual and reasonable out-of-pocket expenses necessarily incurred by court-appointed attorneys representing indigent litigants in civil cases not covered by the Criminal Justice Act. Reimbursements are limited to \$3,000.
9. Reimbursement of fees and costs of expert witnesses necessarily incurred by court-appointed attorneys representing indigent litigants in civil cases. Requests for such fees may be made ex parte and must be approved by the presiding judge. Reimbursement is limited to \$10,000.
10. Contributions for costs for legal events with a nexus to the Court. In determining whether an event has a nexus, the Committee must consider whether the event is hosted by or expressly affiliated with the Court; whether the event is held at a federal courthouse; and whether the event is easily accessible to attorneys, law students, and court personnel; is broadly promoted within the legal community;

1 and is related to federal practice or the administration of justice in  
2 the District of Arizona. A speaker's reasonable travel expenses, to  
3 the extent consistent with government per diem rates, and reasonable  
4 speaker fees that represent the fair market value of the speaker's  
5 services, are reimbursable.

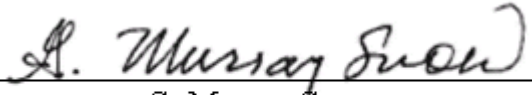
- 6 11. Expenses for local law clerk orientation programs when appropriated  
7 funds are not available.
- 8 12. Expenses of the annual District of Arizona Conference and costs  
9 associated with the Court's participation in the annual Ninth Circuit  
10 Judicial Conference, including, but not limited to: site fees, lodging  
11 and meals for speakers and presenters; and subsidized lodging,  
12 meals, and participation fees for District of Arizona Lawyer  
13 Representatives and Coordinating Executive Committee members.
- 14 13. Costs of civics education programs.
- 15 14. Expenses for public investiture receptions for new judicial officers  
16 held at the courthouse and open to the public, in an amount not to  
17 exceed \$10,000 (not including expenses for alcohol).
- 18 15. Ad Hoc expenses in an amount not to exceed \$3,000 annually,  
19 authorized by the Chief Judge, with notification to the full  
20 Committee within 30 days of the expenditure.

21 The Committee, or a majority thereof, shall have the authority to approve  
22 disbursements not exceeding \$5,000. All disbursements in excess of \$5,000 must be  
23 approved by a majority vote of the District Judges.

24 When Non-Appropriated Funds are approved to a grantee (for example the  
25 Arizona Lawyer Representatives in connection with the annual Ninth Circuit Judicial  
26 Conference), the grantee must submit to the Committee an accounting of the expenses for  
27 which reimbursement is sought.  
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1 Any judge, staff member, or member of the bar of this Court may propose to the  
2 Committee uses of the Non-Appropriated Fund.

3 DATED this 8<sup>th</sup> day of October, 2024.

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6 G. Murray Snow  
7 Chief United States District Judge  
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