

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

PLAN FOR THE ADMINISTRATION
OF THE DISTRICT COURT FUND



REVISED NOVEMBER 2023

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

1. Overview

1.1. Purpose of the Plan

This Plan sets forth the policies and procedures approved by the Judicial Conference of the United States for the management and expenditure of attorney admission funds collected and maintained by the United States District Court for the Southern District of Illinois.

1.2. Attorney Admission Funds

Attorney admission funds are non-appropriated funds that comprise attorney admission fees collected by the United States District Court pursuant to Local Rule 83.1(a) that are in addition to the original attorney admission fee prescribed by the Judicial Conference under 28 U.S.C. §§ 1913 and 1914. Pursuant to Local Rule 83.1(b), attorneys admitted to appear *pro hac vice* shall pay a fee to be deposited into the District Court Fund. The Court, at its discretion, may collect periodic fees from attorneys to renew their membership in the Court's bar and deposit such fees into the District Court Fund.

Attorney admission funds shall be segregated from all other monies in the custody of the Court and shall contain only attorney admission fees, plus any interest income accrued on such fees. The Court shall not place into the fund monies from other sources, including but not limited to: contempt fines, proceeds of sales of local rules, unclaimed funds, undistributed interest on registry accounts, gifts or bequests of cash, and/or copying fees.

2. Policies for Expenditure of the Fund

The District Court Fund shall be used only for purposes which benefit the members of the bench and the bar in the administration of justice. Such uses include, but are not limited to, the following:

2.1. Attorney admission proceedings (including expenses of admission committees and admission ceremonies).

2.2. 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).

- 2.3. Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations, such as furniture, photocopiers, and fax machines; beverage supplies or service; microwave, refrigerator and other appliances; television, telephone, and internet service.
- 2.4. Surety bond for the custodian of the fund, which may only cover monies in the fund.
- 2.5. Fees for services rendered by outside auditors or accountants in auditing the fund.
- 2.6. Reimbursement of *pro bono* counsel for out-of-pocket expenses up to \$5,000 (as funds are available) by an order signed by any district or magistrate judge. No portion of a partial filing fee assessed pursuant to 28 U.S.C. § 1915 shall be reimbursed from the fund. Any motion for reimbursement must be made within 30 days after (1) the entry of final judgment, (2) conclusion of the action, or (3) an order granting assigned counsel relief from assignment in the district court, or reimbursement will be waived. *See* SDIL-LR 83.13(b). All requests must come from the custodian of the fund and be supported by an appropriate explanation and documentation.¹
- 2.7. Reimbursement 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.
- 2.8. 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.
- 2.9. Cash donations to law-related educational or charitable organizations, such as a historical society, law school scholarships, or bar association, for purposes that advance the administration of justice in the courts.
- 2.10. Expenses of circuit judicial conferences, to the extent permitted by the policy of the Judicial Conference of the United States.
- 2.11. Payment of foreign language interpretation services for indigent *pro se* civil litigants when compensation is not available under a statute.

¹ In the event that an individual is eligible for reimbursement under both § 2.6 (*pro bono* counsel) and § 2.14 (special mediation counsel), reimbursement shall not exceed \$5,000.

- 2.12. Reimbursement to a mediator for a share of the mediator's fee up to \$5,000 (as funds are available) by an order signed by any district or magistrate judge in accord with § 4.5(A)(5) or § 4.5(A)(6) of the District Court's Mandatory Mediation Plan. Any motion for reimbursement must be made within 30 days from the entry of judgment or reimbursement will be waived. All requests must come from the custodian of the fund and be supported by an appropriate explanation and documentation.
- 2.13. Reimbursement to a mediator for the mediator's entire fee up to \$5,000 (as funds are available) by an order signed by any district or magistrate judge in accord with § 4.5(A)(8) of the District Court's Mandatory Mediation Plan. Any motion for reimbursement must be made within 30 days from the entry of judgment or reimbursement will be waived. All requests must come from the custodian of the fund and be supported by an appropriate explanation and documentation.
- 2.14. Reimbursement of special mediation counsel for out-of-pocket expenses up to \$5,000 (as funds are available) by an order signed by any district or magistrate judge in accord with § 5(B) of the District Court's Mandatory Mediation Plan. Any motion for reimbursement must be made within 30 days from the entry of judgment or reimbursement will be waived. All requests must come from the custodian of the fund and be supported by an appropriate explanation and documentation.
- 2.15. Any other purpose for which appropriated funds may not legally be used that will benefit the bench and the bar in the administration of justice.

3. Limitations on Use of District Court Fund

3.1. Rule against augmentation of appropriations

The District Court Fund shall not be used to pay for goods or services for which appropriations may legally be used, even if the appropriated funds are exhausted or otherwise not available. Use of the District Court Fund for any purpose for which appropriated funds may legally be used constitutes an impermissible augmentation of appropriations. An exception may be made for the purchase of books, periodicals, and other resource materials for the Court for which appropriated funds may also be used.

3.2. Salary or personal benefit

The District Court Fund shall not be used to supplement the salary of any judge or court employee or provide a personal benefit to any judge or court

employee, or his/her/their family member. As a limited exception, a judge or court employee, or his/her/their family member, may receive a *de minimis* personal benefit incidental to a proper expenditure from the District Court Fund, *e.g.*, meals, refreshments or hospitality items provided under § 2.8.

3.3. Official or personal travel

The District Court Fund shall not be used to pay for official or personal travel by a judge or court employee or by his/her/their family member. As a limited exception, the District Court Fund may be used to pay for local transportation of a judge or court employee to attend bench/bar events.

4. Duties and Responsibilities of the Court

4.1. Custodian of the Fund

The Clerk of Court is the custodian of the District Court Fund. In the event of the death, retirement, or resignation of the Clerk, the Chief Deputy Clerk, or such other person as the Chief Judge designates, shall become the custodian until such time as the next Clerk of Court assumes office. The custodian of the Fund, with the approval of the Chief Judge, may designate an additional signatory on any account in which monies of the Fund are invested.

4.2. Advisory Committee

There shall be an advisory committee to advise the Court on matters of policy relating to the Fund. The committee shall consist of all active district judges and the Clerk of Court. The committee shall be chaired by Chief Judge Nancy J. Rosenstengel. Chief Judge Rosenstengel shall oversee the custodian of the Fund.

5. Duties and Responsibilities of the Custodian

As prescribed in the District Court Fund Plan, the custodian of the Fund shall:

- 5.1.** Receive, safeguard, deposit, disburse, and account for all monies in the Fund in accordance with any pertinent law, this plan, and the policies established by the Guide to Judiciary Policies and Procedures.
- 5.2.** Secure a bond, to be paid for from the fund, if required by the advisory committee.

- 5.3. Establish an accounting system as required by the advisory committee.
- 5.4. Ensure that financial statements and operating reports are prepared in a timely fashion and sign these statements, thereby certifying that the statements and reports accurately present the financial condition of the Fund. The reports should be prepared at least quarterly and state the following:
 - 5.4.1. Beginning balance of assets;
 - 5.4.2. Revenue during reporting period: collections and investments;
 - 5.4.3. Disbursements during reporting period;
 - 5.4.4. Ending balance of assets, including bank balances and undeposited collections;
 - 5.4.5. Obligations, accounts payable, or known future expenditures; and
 - 5.4.6. Available balance.
- 5.5. Deposit or invest monies of the fund.
- 5.6. Sign checks against monies in the Fund pursuant to a specific order. Any check issued in the amount of \$3,000 or more shall be signed by both the custodian and his/her/their designee.
- 5.7. Perform such other functions as the Court may direct.
- 5.8. Duties Upon Appointment of a Successor Custodian

When a successor custodian is appointed, the outgoing custodian or the presiding Chief Judge shall review and sign the following statements in conjunction with an exit audit or inspection:

- 5.8.1. A statement of assets and liabilities;
- 5.8.2. 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; and
- 5.8.3. A statement of the balance in any Fund accounts as of the date of

transfer to the successor custodian.

6. Maintenance of the District Court Fund

6.1 Deposits

All monies of the attorney admission fund shall be deposited only in federally insured banks or savings institutions. 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 custodian shall segregate the attorney admission fund from all other monies in the custody of the Court.

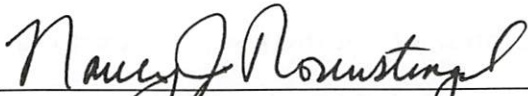
6.2 Audits

The District Court Fund is 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 or appropriate. The custodian shall provide the written results of such audits to the Court and may make them available upon request to members of the bar of the Court. The auditor may receive reasonable compensation from the District Court Fund, if the auditor is not a government employee acting in an official capacity.


6.3 Procedures for Dissolution of the Fund

The Court may dissolve the District Court Fund. A final audit shall be performed, and a written accounting rendered to the Court, before dissolution of the Fund. The custodian shall ensure that all outstanding obligations are liquidated before dissolution of the fund, including any expenses resulting from the required final audit. The Court shall dispose of the remaining monies in ways that fulfill the purpose of the District Court Fund.

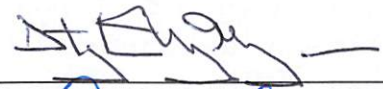
Adopted this ^{30th} day of November, 2023.



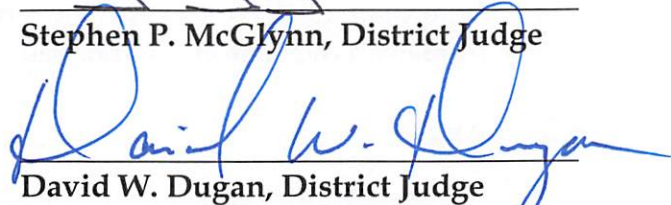
Nancy J. Rosenstengel, Chief Judge



Staci M. Yandle, District Judge



Stephen P. McGlynn, District Judge



David W. Dugan, District Judge



J. Phil Gilbert, Senior District Judge