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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 IN RE:

11 PLAN FOR THE ADMINISTRATION
12 AND OPERATION OF THE COURT'S
13 ATTORNEY ADMISSIONS FUND
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GENERAL ORDER 12-21

15 The Court hereby adopts the attached Plan for the Administration and Operation
16 of the Court's Attorney Admissions Fund as approved by the Chief Judge of the
17 Western District of Washington.
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19 The Plan for the Administration and Operation of the Court's Attorney
20 Admissions Fund shall take effect immediately and supersede the plan heretofore in
21 effect.
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23 Dated this 1st day of September, 2021.
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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
PLAN FOR THE ADMINISTRATION AND OPERATION OF THE COURT'S
ATTORNEY ADMISSIONS FUND
(AS AMENDED, EFFECTIVE SEPTEMBER 1, 2021)**

I. INTRODUCTION

In conformity with the Guidelines of the Judicial Conference of the United States for Attorney Admission Funds Maintained by the Courts of the United States and the Guide to Judiciary Policy, the Court adopts this Plan to establish standards and procedures for the management and expenditure of non-appropriated funds collected and held by the Court for the benefit of the bench and the bar (“the Attorney Admissions Fund”).

II. SOURCES OF FUNDS

- a. Attorneys admitted to practice before a United States district court must pay a basic, first-time admission fee to the Clerk of Court (“Clerk”). This fee is uniform and is set by the Judicial Conference of the United States in the Schedule of Additional Fees under 28 U.S.C. §§ 1913 and 1914. The Clerk deposits part of that amount into the special fund created under 28 U.S.C. § 1931 and the balance into the Treasury of the United States as miscellaneous receipts. These fees do not become part of the Attorney Admissions Fund.
- b. Non-admitted attorneys who may be permitted upon a showing of particular need to appear and participate in a particular case, as prescribed in LCR 83.1(d), are required to pay a fee per case established by a general order of the Court to the Clerk, which will be deposited in the account established for the United States District Court, Western District of Washington Attorney Admissions Fund. Attorney Admissions Funds shall be segregated from all other monies in the custody of the Court, and shall contain only attorney admission fees, pro hac vice, plus any interest income accrued on such fees. The Court shall not place into its Attorney Admissions 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, or copying fees.

III. FUND CUSTODIAN

The Clerk of the Court is hereby appointed custodian of the Fund. The custodian shall:

- a. Receive, safeguard, deposit, disburse, and account for all monies in the Fund in accordance with any pertinent laws.
- b. Secure a bond, to be paid for from the Fund, if required by the Court
- c. Establish an accounting system as required by the Court

- d. Provide an accounting of the Fund at least annually, and ensure that operating and expenditure reports and are prepared monthly. The Clerk shall distribute a copy to the Chief Judge of the Court, thereby certifying that the statement and report accurately present the financial condition of the Fund. The reports shall state the following:
 1. Beginning balance of assets
 2. Revenue during reporting period: collections, investment
 3. Disbursements during reporting period, listed by major classifications
 4. Ending balance of assets (bank balances and undeposited collections)
 5. Obligations, accounts payable or known future expenditures
 6. Available balance
- e. Deposit or invest monies of the Fund in federally insured interest-bearing accounts, government securities, or money market funds invested in government obligations
- f. Perform such other functions as the Court may direct

IV. PURPOSE AND USES OF THE FUND

Attorney Admissions Funds shall be used only for purposes that benefit the members of the bench and bar in the administration of justice. Examples of appropriate common uses of attorney Admissions Funds include, but are not limited to, the following:

1. Attorney admission proceedings (including expenses of admission committees and admission ceremonies)
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)
3. Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations. Examples include: furniture; photocopiers and fax machines; beverage supplies or service; microwave, refrigerator and other appliances; television, telephone and Internet service
4. Surety bond for the custodian of the Fund. (The bond may only cover 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 on behalf of indigent pro se civil litigants. This includes expenses related to the pro se and Federal Civil Rights legal clinics at the courthouses in Seattle and Tacoma.
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.
8. Hospitality or other expenses (e.g., food, beverages, mementos) for which appropriated funds may not be used, including registration fees, meals, and beverages for judges and employees attending a bench/bar meeting or similar event at or outside of their official duty station in a non-official capacity.
9. Cash donations to law-related educational or charitable organizations, such as a historical society, law school, or bar association, for purposes that advance the administration of justice in the courts. In considering such donations, care should be exercised to avoid the appearance of impropriety, undue favoritism, conflicts of interest, and other concerns under the Codes of Conduct for United States Judges and Judicial Employees.
10. Expenses of circuit judicial conferences, to the extent permitted by the policy of the Judicial Conference of the United States.
11. Any other purposes for which appropriated funds may not legally be used that will benefit the bench and the bar in the administration of justice.

V. LIMITATIONS ON USE OF FUND

Certain limitations apply to the use of the Attorney Admissions Fund. Specifically, the following limitations apply:

- a. The Attorney Admissions 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.
- b. Notwithstanding this restriction, the Attorney Admissions Fund may be used to purchase books, periodicals and other resource materials for the Court's libraries for which appropriated funds may also be used.
- c. The Attorney Admissions Fund shall not be used to supplement the salary of any Judges or Court employees, or provide a personal benefit to any Judges or Court employees, or their family members. As a limited exception, Judges or Court employees, or their family members, may receive a de minimus personal benefit incidental to a proper expenditure

from the Fund, e.g., meals, refreshments or hospitality items provided by the Fund.

- d. The Attorney Admissions Fund shall not be used to pay for official or personal travel by Judges or Court employees, or by their family member, with the exception of local transportation of a Judge or Court employee to attend bench/bar events.
- e. The Attorney Admissions Fund shall not be used to pay for the printing of the Court's local rules.
- f. The Court shall avoid unreasonable accumulation of the Attorney Admissions Fund. Based on an examination of past practices and upcoming needs, the Court sets a limit of \$600,000. If the Court exceeds this limit, it will seek to reduce local fee collections until the balance is in line with needs.

VI. ADMINISTRATION OF THE FUND

An Advisory Committee is hereby appointed to advise the Court on matters of policy in the administration of the Fund and making recommendations to the Court on proposed expenditures. The Committee shall be composed of the Chief Judge (or a District Judge designated by the Chief Judge), who shall serve as chair, the President of the Federal Bar Association of the Western District of Washington (or a designee officer of the FBA appointed by the President), and the Clerk of the Court.

The Committee, or a majority thereof, shall have the authority to approve individual disbursements not exceeding \$50,000, and the chair shall have such authority as to individual disbursements not exceeding \$100,000. The disbursements may be recurring or one-time expenditures. The chair may choose to annually authorize disbursements of a recurring nature in an effort to streamline the authorization and approval paperwork by reducing the repetitive processes, documents, and disbursement approvals. Members of the Committee shall serve without compensation. Any Judge, staff member, or member of the bar of this Court may make requests for expenditures.

VII. MAINTENANCE OF FUNDS

All monies of the Attorney Admissions 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 admissions fund from all other monies in the custody of the Court.

The 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 Fund if the auditor is not a government employee acting in an

official capacity. Any costs of such an audit shall be paid out of the Fund.

The Court may dissolve its Attorney Admissions Fund upon the vote of a majority of active District Judges. If the Court elects to dissolve the 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 purposes of the Fund.

Dated this 1st day of September, 2021.

A handwritten signature in black ink, appearing to read 'R. S. Martinez', written over a horizontal line.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

NON-APPROPRIATED FUND/AUTHORIZATION FOR PAYMENT

The Chief Judge of the District Court and the Custodian of the Fund or their designees hereby authorize the expenditure of funds from the non-appropriated fund account for the acquisition of the following items:

(See attached documentation).

Submitted and approved for payment this ___ day of _____, 20__.

CHIEF DISTRICT COURT JUDGE

CUSTODIAN

CATEGORY: _____