

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

IN RE:)
) **ATTORNEY ADMISSION FEE**
) **NON-APPROPRIATED FUND**
)
BUSINESS OF THE COURT)

ADMINISTRATIVE ORDER

WHEREAS, Local Rule 12.03 authorizes the district court to establish and administer an Attorney Admission Fee Non-Appropriated Fund into which certain monies received by the court from attorney admission fees, *pro hac vice* fees, and renewal registration fees are deposited, and **WHEREAS**, the district court is required to have a written plan for the administration and operation of the fund, and a means for setting policy which shall govern the use of the fund,

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

I. Attorney Admission Fees, *Pro Hac Vice* Fees and Renewal Fees

Every attorney admitted to practice with this court shall pay to the Clerk of the Court an initial registration fee. That portion of the fee which exceeds the amount set by the United States Judicial Conference shall be retained by the district court in a non-appropriated fund in accordance with other provisions of this Order to be used for the benefit of the bench and bar in the administration of justice. Fees for admission to practice before this court *pro hac vice* and fees for renewal of registration to practice before this court shall also be deposited in the non-appropriated fund.

II. Administration of the Fund

A. Non-Appropriated Fund Committee

The fund shall be administered by a non-appropriated fund committee. The committee shall consist of a district judge as chairperson and three other judges as approved by the court. The committee shall be responsible for overseeing the Clerk in his custodial responsibilities, reviewing and

approving accountings rendered by the Clerk and making recommendations on proposed expenditures from the fund.

The chairperson (or, in the chairperson's absence, the most senior district judge on the committee) shall have the authority to approve general disbursements not exceeding \$1,000.00. General disbursements not exceeding \$1,000.00 may be ordered by the chief judge without the approval of the chairperson. The committee, or majority thereof, shall have the authority to approve general disbursements of more than \$1,000.00 but not exceeding \$5,000.00. All general expenditures in excess of \$5,000.00 may be authorized only by four district judges. Any judge, staff member or member of the bar of this court may make recommendations for general expenditures. A general expenditure or disbursement is any use of the fund that is not related to a case.

A district judge or a magistrate judge may order disbursement of funds not exceeding \$5,000.00 for reimbursement of out-of-pocket expenses and \$2,500.00 for compensation of appointed attorneys consistent with section 28 U.S.C. § 1915, Local Rule 83-12.03, and the Regulations governing such disbursements. Any request for reimbursement of out-of-pocket expenses in excess of \$5,000.00 shall be referred to the chairperson of the committee in accordance with the Regulations. A district judge or a magistrate judge may order disbursement of funds not exceeding \$750.00 for the pro rata share of a pro bono Neutral's fee that has been waived or reduced consistent with Local Rule 16-6.03(C)(2) and the Regulations governing such disbursements.

B. Fund Custodian

The Clerk of the United States District Court for the Eastern District of Missouri shall serve as the custodian of the non-appropriated fund and shall receive, safeguard, deposit, disburse and

account for monies in the fund. The custodian may delegate authority for the day-to-day operations of the fund to a person known as the “designee”.

C. Deposits, Annual Report and Audit

Monies paid into the fund shall be kept separate from other monies received by the court. The fund shall be deposited only in federally insured banks or savings and loan institutions, or invested in government securities or money-market accounts invested in government obligations. The custodian shall prepare an annual report to the court on the operation of the fund. The fund shall be audited by the Administrative Office of the United States Courts as part of their periodic review of the business of the court. The court non-appropriated fund committee may direct that an audit be performed by an outside auditor at any time. The cost of any such audits, if any, shall be paid out of the fund.

D. Surety Bond

The custodian and designee may be required to furnish a surety bond, the premium of which shall be paid from the fund.

III. Authorized Expenses

A. Uses

Monies deposited in the non-appropriated fund may be used for the benefit of the bench and bar in the administration of justice, including, but not limited to, the following:

1) Reasonable attorney’s fees and out-of-pocket expenses of attorneys appointed pursuant to 28 U.S.C. § 1915 to represent indigent parties in civil proceedings consistent with Local Rules 83-12.03, 83-12.06(D) and the Regulations governing such disbursements;

2) Pro Bono Neutral’s fees in an amount equal to the pro rata share of a fee that has been

waived or reduced not to exceed seven hundred fifty dollars (\$750), consistent with Local Rule 16-6.03(C)(2) and the Regulations governing such disbursements;

3) Expenses related to attorney disciplinary proceedings including expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings;

4) Expenses related to participation in attorney admission proceedings;

5) Expenses necessary to support the approved activities of the district court's Federal Practice Committee;

6) Expenses of programs, exhibits and materials that promote legal, judicial and court administration education or that encourage public awareness about the role of federal courts in the administration of justice, including the collection, restoration, preservation and/or display of court records or other artifacts of historical significance as well as judicial portraits, historical photographs, art works, oral histories, etc.;

7) Expenses for mandatory fees and dues, in an annual amount not to exceed the cost of membership in The Missouri Bar, necessary for judges, and those lawyers employed by the court for three years or more as of January 1 each year, to retain their licenses to be lawyers and/or judges;

8) Expenses for the purchase of judges' robes to be worn in court and at other official proceedings;

9) Expenses for reimbursement to judges in connection with in-state conventions, meetings and/or conferences sponsored by legal or professional associations, including mileage, meals, lodging, registration fees, receptions and/or dinners (two per year);

10) Expenses for reimbursement to law clerks in connection with in-state conventions, meetings and/or conferences sponsored by legal or professional associations, including mileage,

meals, lodging, registration fees, receptions and/or dinners (one per year);

11) Expenses for reimbursement to judges, designated by the Chief Judge to represent the court, for mileage, meals and lodging in connection with funerals, memorial services, investiture ceremonies and/or receptions associated with members of the bench and/or bar;

12) Surety bonds for the custodian and designee of this fund;

13) Fees for audits of this fund, if any; and

14) All other expenses expressly authorized by the unanimous agreement of the chairperson and judges charged with the administration of the fund.

B. Limitations

Monies deposited in the non-appropriated fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee.

SO ORDERED BY THE COURT EN BANC this 5th day of May, 2010.

/s/ Catherine D. Perry
CATHERINE D. PERRY, CHIEF JUDGE

/s/ Carol E. Jackson
CAROL E. JACKSON, DISTRICT JUDGE

/s/ Jean C. Hamilton
JEAN C. HAMILTON, DISTRICT JUDGE

/s/ Charles A. Shaw
CHARLES A. SHAW, DISTRICT JUDGE

/s/ E. Richard Webber
E. RICHARD WEBBER, DISTRICT JUDGE

/s/ Rodney W. Sippel
RODNEY W. SIPPEL, DISTRICT JUDGE

/s/ Henry E. Autrey
HENRY E. AUTREY, DISTRICT JUDGE