

GENERAL ORDER NO. 93-20

DEC 23 1993

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS BY DAVID J. MALAND, CLERK
DEPUTY *Ina Chambless*

ORDER ADOPTING PLAN FOR ADMINISTRATION OF
NON-APPROPRIATED FUNDS

The following Plan shall guide the administration and operation of the Court's Non-Appropriated Fund ("Fund") pursuant to the Guide to Judiciary Policies and Procedures, Vol. I, Chapter VII, Part O.

I. Source of the Fund: Fees paid by attorneys who apply to join or renew admission to the Bar of the Eastern District of Texas in excess of the basic fee set by the Judicial Conference and all income derived from the corpus shall be the source of the Fund. Neither the fees nor the increase of the corpus are monies appropriated by Congress.

II. Expenditures from the Fund: The Fund has been created for the benefit of both the Eastern District bench and bar in the interest of justice. The Fund shall not be used to supplement appropriated funds or to supplement the salary of any court officer or court employee. Expenditures shall be approved by the Chief Judge (or designee) and the Custodian of the Fund in accordance with the general principles specified in the Guide to Judiciary Policies and Procedures, Vol. I, Chapter VII, Part E.

III. Custodian of the Fund: Unless a different person is named in writing by the Court, the Clerk of Court shall be Custodian of the Fund. The Custodian shall follow this Plan.

IV. Non-Appropriated Fund Committee: The Chief Judge shall appoint a Committee consisting of three judicial officers and two members of the Bar of the Court. The Committee shall advise the Court and Custodian on matters of policy in administering the Fund, recommend such amendments to this Plan as it deems appropriate and approve or disapprove questioned expenditures referred to it by the Chief Judge (or his designee) or the Custodian. The Committee shall serve at the pleasure of the Court and without compensation.

V. Reporting by the Custodian: The Custodian shall submit an annual report to the Court and the Committee certifying compliance with the Plan including reports of income, expenditures, investments, and balances in the Fund.

VI. Successor Custodian: When a successor custodian is appointed, the outgoing custodian will prepare and sign the following:

- a. A report of the financial condition of the Fund as of the last day of service by the outgoing custodian;

- b. A statement of operations for the period since the last annual report; and
- c. A statement of the balance in the Fund as of the outgoing custodian's last day in office.

The Successor Custodian shall review the final reports and issue a receipt to the Outgoing Custodian when satisfied with the accuracy of the final reports.

VII. Fund Controls: The Custodian will:

- a. Segregate responsibilities for approving, preparing and signing checks;
- b. Assign responsibility for monthly bank reconciliation to an individual with no disbursing authority; and
- c. Identify and report unusual reconciling items.

VIII. Investment Controls: The Custodian will:

- a. Invest funds in excess of planned disbursements in federally insured, interest-bearing accounts, government securities, or money market funds invested in government obligations;
- b. Title investments: United States District Court Non-Appropriated Fund;
- c. Compare the income received on investments with the income specified by the terms of the security; and
- d. Report investment income and losses on the annual accounting statements.

IX. Expenditures Controls: The Custodian will:

- a. Record expenditures as they occur;
- b. Insure that expenditures are authorized by the Plan;
- c. Support expenditures with original invoices and other original documentation; and
- d. Make certain that checks contain the signature of an authorized District Judge and the Custodian or a person authorized by the court;

X. Accounting Systems Controls: All transactions will be posted as they occur. Entries shall contain at minimum:

- a. A transaction reference number: (check number, deposit ticket number, journal

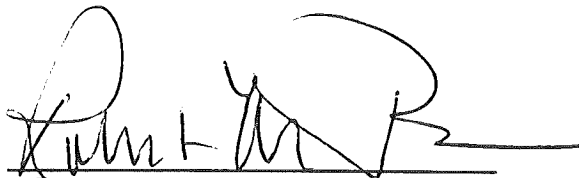
voucher);

- b. A brief description of the transaction; and
- c. A dollar amount of the transaction.

XI. Audit: The Fund is subject to audit by the Administrative Office of the United States Courts. The Fund will be audited on an annual basis by a disinterested person or outside auditor appointed by the Court.

Adopted this 33rd day of December, 1993.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Robert M. Parker", written over a horizontal line.

ROBERT M. PARKER
CHIEF JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

MEMO:

DATE: December 23, 1993

TO: All District Judges
All Magistrate Judges

FROM: David Maland *Dave*

SUBJECT: General Order on Non-Appropriated Funds

Attached is a copy of General Order 93-20 signed by Chief Judge Parker, which adopts a plan for administration of our non-appropriated (attorney admission fee) funds. The plan generally memorializes procedures that are already in place. It contains, however, two significant enhancements:

(1) Section II specifies the purpose of the fund (i.e., it is created for the benefit of bench and bar in the interests of justice). It also puts certain limitations on expenditures (e.g., the fund cannot be used to supplement appropriated funds or to supplement the salary of court officers or employees);

(2) Section III creates an oversight committee consisting of three judicial officers and two members of our bar. This committee approves or disapproves questioned expenditures referred to it, advises the chief judge and clerk on matters of policy and recommends such amendments to the plan as it deems appropriate. Routine expenditures clearly authorized by the plan would not need committee approval. Chief Judge Parker has tentatively designated the following committee members: Judge Cobb, Judge Brown, Magistrate Judge Faulkner, a Sherman lawyer and a Beaumont lawyer.

cc: Deputies in Charge
Financial Deputies