
**PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT
LIBRARY AND COURT ADMINISTRATION FUND**

A. Creation of the Fund; Purpose of the Plan:

A District Court Library and Court Administration Fund was created by Order of this Court promulgated May 1, 1987. That order and Local Rule 83.5 requires newly admitted attorneys to pay to the Clerk a fee in addition to that established by the Judicial Conference of the United States pursuant to 28 USC 1914.

An order effective December 18, 1996 required a fee for attorneys admitted pro hac vice. The receipts from both fees are to be deposited in the District Court Library and Court Administration Fund. This Plan is adopted to provide for procedures for the administration of funds deposited in the District Court Library and Court Administration Fund.

B. Advisory Committee:

There will be an Advisory Committee to advise the Court on matters of policy relating to the administration of the Fund. The Advisory Committee will consist of the Chief Judge and all active District Judges of the Northern District of Indiana and the Clerk of Court.

C. Custodian of the Fund:

The Clerk of this 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, will become the custodian until such time as the next Clerk assumes office.

D. Duties and Responsibilities of the Custodian:

The responsibilities of the custodian are as follows:

- (1) to receive, safeguard, deposit, disburse, and account for all funds in accordance with the law, this plan, and the policies established by the Court;
- (2) to establish an accounting system for the Fund;
- (3) to ensure that financial statements and operating reports are prepared in a timely fashion and to sign such statements and reports, thereby certifying that they accurately present the financial condition of the Fund;

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- (4) to prepare an Administrative Order, delineating in detail the need for the expenditure, and circulate said Administrative Order for signature by the Clerk of Court and Chief Judge;
 - (5) to invest funds in accordance with the provisions of this Plan; and
 - (6) to perform such other functions as may be required by the Court.

E. Responsibilities Upon Appointment of Successor Custodian:

When a successor custodian is appointed, the outgoing custodian should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the Chief Judge:

- (1) a statement of assets and liabilities;
- (2) a statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations and net worth; and
- (3) a statement of the balance in any Fund accounts as of the date of transfer to the successor custodian.

The successor custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing custodian. Acceptance may be conditioned upon an audit and verification where circumstances warrant.

F. Audits and Inspections:

The District Court Library and Court Administration Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts. The Chief Judge may appoint an auditor or disinterested inspector (who may be a government employee) to conduct such audits as the Court determines to be necessary. The written results of such audit or inspection will be provided to members of the Bar of the Court.

In the event that the Court orders a dissolution of the Fund, a terminal audit or inspection will be performed and a written accounting rendered to the Court.

G. Protection of the Fund's Assets:

Except as otherwise provided in this Plan, all receipts will be deposited in banks or

savings institutions where accounts are insured by F.D.I.C. or F.S.L.I.C. Where practical and feasible, the custodian will place any substantial sums into interest-bearing accounts, government securities, or a money market fund invested in government obligations. Such investment will be at the direction of the Advisory Committee. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

H. Limitations on Use of Funds:

Monies deposited in the 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, or pay for official or personal travel by a judge or court employee or by his or her family member. As a limited exception, attorney admission funds may be used to pay for local transportation of a judge or court employee to attend bench/bar events.

I. Uses of the Funds:

In general, the monies deposited in the Fund are to be used for the benefit of the Bench and Bar in the administration of justice. Although not intended to be all-inclusive, monies deposited in the fund may be used to pay for any of the following:

- (1) Attorney admission proceedings (including expenses of admissions committees, admissions ceremonies).
- (2) Attorney discipline proceedings (including, but not limited to, expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings stenographers, meeting room rentals, postage, travel expenses and fees of witnesses).
- (3) Periodicals and publications for court libraries for which appropriated funds are not available.
- (4) Equipment and material to assist attorneys in the courtroom, if appropriated funds are not available.
- (5) Expenses associated with creating lawyer lounge facilities.
- (6) The expenses of the Plan's Advisory Committee.
- (7) The expenses incurred by the custodian in performing his/her duties under the Plan, including the expense of a surety bond covering monies in

the Funds.

- (8) The fees for services rendered by outside auditors or inspectors in auditing or inspection of the records of the Fund.
- (9) The fund may be used to pay expenses for the involvement of members of the bar of this court in advising the judges of this court on matters of practice, i.e. Local Rules Committee.
- (10) Continuing legal education (CLE) programs and Law Day programs.
- (11) Reimbursement by district courts 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.
- (12) Equipment and materials in support of CLE programs.
- (13) Expenses in connection with court ceremonial and commendation services.
- (14) Pursuant to the provisions of Section J of this Plan, the out-of-pocket expenses necessarily incurred by court-appointed attorneys representing indigents in civil cases.
- (15) Such other expenses as may from time to time be authorized by the Advisory Committee for the use and benefit of the Bench and Bar in the administration of justice. 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.
- (16) The Fund may be used to pay attorneys appointed to serve as guardians ad litem in this court. The reimbursable expenses of a guardian ad litem may include attorney fees when the guardian ad litem has been authorized to hire counsel with prior approval of the court.
- (17) 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.

- (18) Expenses of circuit judicial conferences, to the extent permitted by the policy of the Judicial Conference of the United States.

J. Payment of Expense Pursuant to Local Rule 83.7(d):

An attorney appointed pursuant to the court's rules to represent an indigent party may petition the court for payment, from the District Court Library and Court Administration Fund, of appropriate and reasonable expenses that may be or were incurred in the preparation and presentation of the proceeding, subject to the following restrictions:

- (1) Such petition shall be made by motion filed with the court, either prior to incurring the expense, or within ninety (90) days of the date the expenses were incurred. The motion may be made *ex parte*. The motion shall be accompanied by sufficient documentation to permit the court to determine that the request for payment is appropriate and reasonable.
- (2) Only those expenses associated with preparation and presentation of a civil action in the United States District Court for the Northern District of Indiana will be approved for payment. No expenses associated with the preparation of any appeal shall be payable.
- (3) Any costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this court are not payable.
- (4) In any case in which an appointed attorney receives any fee award, any amounts the attorney has received from the Fund as payment for expenses shall be promptly repaid to the Fund.

The Judicial Officer to whom the case is assigned is authorized to approve appropriate and reasonable reimbursements.

In complex, protracted cases, counsel may petition the assigned Judicial Officer for additional reimbursement. The assigned Judicial Officer will present the petition and his recommendation to the Advisory Committee for guidance.

K. Dissolution of the Fund

Should this court decide to dissolve the Fund, the Custodian will liquidate all

outstanding obligations prior to the dissolution, including making provisions for the payment of all fees and expenses resulting from the required terminal audit or inspection. The Court will direct the disposition of the assets of the Fund in ways which fulfill the purpose of the Fund.

This order shall take effect April 19, 2010.

/s/ Philip P. Simon
Philip P. Simon, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Rudy Lozano
Rudy Lozano, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen