

United States District Court
Southern District of New York

Revised Plan for Administration of
Miscellaneous Fund for the Benefit of the Bench and Bar

The Southern District of New York has adopted the following plan for the administration and operation of funds derived from attorney admission fees pursuant to the Guide to Judiciary Policies and Procedures, Vol. 1, Chap. 7, Part M (“Guide”). These funds shall be held by the Court in appropriate depositories, separate from other monies received by the Court and shall be expended at the direction of the Court Non-Appropriated Fund Committee (“Committee”), in accordance with Section 1 of this plan, below, and in subsequent orders of the Court.

1. Guidelines for Use

a. The Fund shall be used for purposes approved by the Court, that inure to the benefit of the bench and the bar of the court, relating to the administration of justice including, but not limited to:

- (1) Periodicals and publications for court libraries for which appropriated funds are not available,
- (2) Expenses related to attorney discipline proceedings (including expenses of investigating counsel for discipline enforcement and administration of attorney discipline program),
- (3) Expenses for commendation programs,
- (4) Expenses for legal education, law day, student and law clerk programs,
- (5) Expenses for printing of court rules, practices and procedures, directories and other documents related to court operations,
- (6) Expenses for meetings between members of the bench and bar,
- (7) Expenses in connection with memorial services,
- (8) Court projects and programs that interest or otherwise benefit the bench and bar, and maintenance of the attorney lounge,
- (9) Fees for services rendered by outside auditors in auditing the Fund,
- (10) Attorney admission proceedings,
- (11) Purchase of artwork and decorative items for common areas of the Courthouse that cannot be purchased with appropriated funds,
- (12) Expenditures for items for the comfort and convenience of jurors that cannot be purchased with appropriated funds,
- (13) Expenses to support equipment for courtroom use,
- (14) Training and continuing legal education programs for Court personnel at in-house and outside seminars and conferences, and
- (15) Reimbursement for costs of litigation in *pro bono* cases incurred by members of the *Pro Bono* Panel who are appointed under 28 U.S.C 1915(e) and subject to condition on eligibility as provided by Standing Order M-10-468 (October 1, 1997).

b. The Fund shall not be used to pay for materials or supplies available from statutory appropriations nor to supplement the salary of any court officer or employer.

c. The Chair or a judicial member of the Committee designated by the Chair shall have authority to make expenditures up to \$7,000.00 in any single transaction. Expenditures exceeding \$7,000.00 shall first be considered by the full Committee and then voted upon by the Board of Judges.

2. Custodian of the Fund

The Clerk of the Court shall act as custodian of the Fund and shall be responsible for receiving payment of attorney admission fees under Standing Order No. 4 and for safeguarding, depositing, disbursing and accounting for all assets of the Fund in accordance with the advice of the Committee and the pertinent laws. Monies paid into the Fund and the accounts therefore shall be kept separate and distinct from any other monies received by the court.

In particular, the Clerk as custodian shall:

- (1) Make payments from the Fund for approved expenditures,
- (2) Secure a bond, to be paid for from assets of the Fund,
- (3) Maintain an appropriate accounting system for the Fund and maintain proper records of receipts, sources of payment and disbursements,
- (4) Prepare and submit a report on Fund activities, setting forth the balance, receipts, disbursements and estimated earnings for the Fund, and any other reports as the court, from time to time, may require,
- (5) Invest funds, with the approval of the Committee, in accordance with the guidelines set forth in Section 4, below, and
- (6) Perform such other duties as the Court may direct.

3. Auditing

Funds are subject to audit by the Administrative Office of the U.S. Courts. The Court may appoint an outside auditor to conduct such additional audits as the Court determines may be necessary or appropriate. The written results of each such audit or inspection shall be provided to the Court and the Committee and may be made available upon request to members of the bar of the Court. Reasonable compensation may be provided from Fund assets if an outside auditor is appointed and acting in an official capacity. A final audit should be performed prior to the

dissolution of the fund, and a written accounting rendered to the court.

4. Protection of the Fund

All receipts shall be deposited in federally insured banks and whenever practical and feasible, substantial sums shall be placed in secured interest-bearing accounts, government securities, or money market fund invested in government obligations, at the direction of the Committee. Efforts shall be made to maximize the return on investments consistent with the requirements of convenience and minimization of risk to principal.

5. Dissolution of the Fund

The Court may dissolve the Fund or any portion thereof whenever considered appropriate. Outstanding obligations will be liquidated prior to dissolution of the Fund, including any expenses resulting from the required final audit. Efforts should be made to dispose of the assets of the fund in ways that fulfill the purposes of the fund.

6. Court Non-Appropriated Fund Committee

The Committee shall administer the Fund. The Committee shall consist of the Chief Judge (ex officio), two judges appointed by the Chief Judge one of whom shall be appointed as Chair, the Clerk of Court (ex-officio), the Clerk's Financial Administrator (ex officio), and the District Executive (Secretary). The Committee shall be responsible for reviewing requests for funds by the District Executive and overseeing the Clerk in his custodial responsibilities and reviewing expenditures from the Fund. The Chair or a designated judicial member of the Committee shall sign an authorization for an expenditure and present it to the District Executive who shall submit it to the Clerk. The Clerk shall review the authorization for compliance with the Plan, and return the authorization and check to the District Executive for processing. The Committee shall meet on call of the Chair or request of any two members. Votes on the Committee on any matter may be taken and recorded by a poll of the members, with subsequent ratification in writing.