UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

PLAN FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE DISTRICT COURT FUND

Revised Effective October 2009

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

A District Court Fund was created by Local Rule 83.15 of this Court promulgated on June 1, 2000. Local Rule 83.5 of the Central District of Illinois Rules, as amended on the January 18, 2005, requires newly admitted attorneys to pay an additional $35.00 fee to the Clerk in addition to that established by the Judicial Conference of the United States pursuant to 28 USC §1914. This Plan provides for the additional admission fees to be deposited in the "Central District of Illinois District Court *Fund*", hereinafter referred to as "*Fund.*" This Plan is adopted to provide for procedures for the administration of monies deposited in the *Fund.*

B. **Bench and Bar Committee and Advisory Committee**

There shall be a Bench and Bar Committee to review pro bono attorney requests for normal fees and expenses, expert witness fees, and other case related expenses for payment from the District Court Fund. Recommendations shall then be submitted to the Advisory Committee for final approval. The Bench and Bar Committee shall consist of the Chief Judge, two attorneys from the Peoria Division, two attorneys from the Urbana Division, two attorneys from the Springfield Division, and one attorney from the Rock Island Division of the Central District of Illinois.

There shall be an Advisory Committee to advise the Court on matters of policy relating to the administration of the *Fund*. The Advisory Committee shall consist of the Chief Judge, all the active District Judges in the Central District of Illinois and the Clerk of Court.

C. **Custodian of the Fund**

Pursuant to Rule 83.15, 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, shall 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 secure a bond, if required by the court, to be paid for from the assets of the *Fund*;

(3) to establish an accounting system as required by the court for the *Fund*;

(4) to ensure that financial statements and operating reports are prepared in a timely fashion and to sign such statements and reports, thereby certifying that the statements and reports accurately present the financial condition of the *Fund*;

(5) to prepare an Administrative Order, delineating in detail the need for an expenditure, and circulate said Administrative Order **for signature by the Chief Judge and the assigned trial Judge or the Chief Judge and one other Judge** prior to the issuance of the check by the Clerk of Court. Unless higher amounts are specifically authorized in this Plan or in the Regulations Governing the Reimbursement of Expenses and Fees of Court Appointed Counsel From the District Court Fund, any expenditure in excess of One Thousand Dollars ($1,000) must be reviewed by the Bench and Bar Committee and approved by the District Court Fund Advisory Committee;

(6) to invest funds in accordance with the rules and regulations covering investment of other district funds as contained in the *Guide to Judiciary Policies and Procedures*; and

(7) to perform such other functions as may be required by the Court.

D. Responsibilities Upon Appointment of Successor Custodian

When a successor custodian is appointed, the outgoing custodian shall prepare and sign the following statements in conjunction with the 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 last statement of operations and net worth up to the date of transfer to the successor custodian; 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 audit and verification when circumstances warrant.

E. Audits and Inspections

The Custodian of the *Fund* will provide an accounting to the Advisory Committee at least annually;

The *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 annual audits or as the Court determines to be necessary. The written results of such audit or inspection will be provided to members of the Advisory Committee, and, upon request, any members of the Bar of the Court. Reasonable compensation may be provided from *Fund* assets if the auditor is not a government employee acting in an official capacity.

In the event of dissolution of the *Fund,* a final audit shall be performed prior to the dissolution of the *Fund* and a written accounting rendered to the court.

F. Protection of the Fund's Assets

All receipts will be deposited in banks or savings institutions where accounts are insured by FDIC or FSLIC. The custodian shall place all substantial sums into interest-bearing accounts, government securities, or money market funds invested in government obligations, on at least a quarterly basis. Such investment shall 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. All funds held by the custodian must be segregated from all other monies in the custody of the Court.

G. Limitations on Use of Funds

Monies deposited in the *Fund* must not be used to pay for materials or supplies available from statutory appropriations, except for library books and periodicals. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee. Attorney admission funds shall not be used to pay for official or personal travel by court officers or employees or by his or her family member. Attorney admission funds shall not be used to pay for the printing of local rules. The court shall avoid unreasonable accumulation of attorney admission funds.

H. Use 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) The expenses related to attorney admission proceedings, including expenses incurred in admission ceremonies;

(2) Fees and expenses related to attorney disciplinary proceedings as set forth in Rule 83.6 of the Rules of this Court;

(3) The costs of periodicals and publications purchased for library use if appropriated funds are not available;

(4) The cost of anatomical charts and stands for courtroom use, if appropriated funds are not available;

(5) Expenses associated with creating lawyer lounge facilities;

(6) The expenses of the Plan's Bench and Bar Committee and 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 *Fund*;

(8) The fees for services rendered by outside auditors or inspectors in auditing or inspecting records of the *Fund*;

(9) Pursuant to the provisions of Section I of this Plan, the out-of-pocket fees and expenses of attorneys appointed to represent indigent parties in civil proceedings in this Court; and

(10) Pursuant to the provisions of Section J of this Plan, the out-of-pocket expenses and reasonable fees of guardians ad litem appointed by the court to represent minors or other incompetent parties in civil proceedings in this court.

(11) The cost of mementos, not to exceed $100.00 per individual, for visiting judges or other dignitaries.

(12) For the purpose of training criminal defense counsel, the out-of-pocket expenses and reasonable fees for attorneys to second chair cases covered by the Criminal Justice Act (Title 18 U.S.C. 3006A) where the Act will not cover such expenses and fees.

(13) The support of legal aid societies including entities supported by Legal Services Corporation.

(14) Expenses associated with providing continuing legal education for the bench and bar, including presenting or co-sponsoring seminars.

(15) Expenses of non-judiciary members serving on bench-bar committees, task forces, or similar groups established by the Court to advance the work of the Court.

(16) 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.

I. Out-of-pocket fees and expenses in Pro Bono Cases

In a civil case where an attorney is appointed by a Judicial Officer of this Court to represent an indigent party, the Judicial Officer to whom the case is assigned may authorize the payment of out-of-pocket fees and expenses reasonably incurred and not otherwise recoverable. *(See Regulations Governing the Reimbursement of Expenses and Fees from the District Court Fund)* Application for reimbursement shall be on a form approved by the Advisory Committee and available from the Clerk of Court.

The Judge to whom the case is assigned is authorized to approve reimbursements not to exceed One Thousand Dollars ($1,000.00). In complex, protracted cases, counsel may petition the assigned Judge for additional reimbursement. The assigned Judge will present the petition and his recommendation to the Bench and Bar Committee for guidance. The Bench and Bar Committee will then make a recommendation to the Advisory Committee regarding requested fees and expenses. Reimbursement in excess of One Thousand Dollars ($1,000.00) must be reviewed by the Bench and Bar Committee and approved by the Advisory Committee. In no event will more than the CJA maximum hourly rate and case limit in such out-of-pocket expenses and fees be paid in any one proceeding.

In the event the party represented is ultimately successful on the merits and is awarded costs and attorney's fees, the out-of-pocket fees and expenses paid pursuant to this plan shall be included in the total award. Upon receipt of the award funds, the paid fees and expenses shall be redeposited into the District Court Fund.

J. Fees and Expenses of Guardian ad Litem

In a civil case where a guardian ad litem is appointed under Fed.R.Civ.P.17(c) by a Judicial Officer of this court to represent the interests of an unrepresented minor or other incompetent person in a case pending in this District, the Judicial Officer to whom the case is assigned may authorize the payment from the Fund of out-of-pocket expenses incurred and not

otherwise recoverable, not to exceed $1,000.00.

In addition to out-of-pocket expenses, if a court-appointed guardian ad litem is an attorney or if a non-attorney guardian ad litem is authorized by this court to retain counsel, the presiding judge may approve payment of the guardian's reasonable attorneys fees from the Fund using current CJA rates and case limits.

In complex or protracted cases, the guardian ad litem may petition the assigned Judicial Officer for additional reimbursement. The assigned Judicial Officer shall present the petition and a recommendation to the Bench and Bar Committee for guidance. The Bench and Bar Committee will then make a recommendation regarding requested fees. The Advisory Committee shall make the final determination . Reimbursement of attorneys fees and payment of out-of-pocket expenses exceeding $1,000, must be reviewed by the Bench and Bar Committee and the approved by the Advisory Committee before payment. In no event will more than the CJA rate and case limit be paid in any one proceeding.

In any case in which a monetary judgment is entered in favor of the party on whose behalf the guardian ad litem was appointed, the fees and costs paid by the Fund shall be repaid by that party to the Fund to the extent permitted by the amount of the judgment and the interests of justice.

K. Dissolution of the Fund

The Court may issue an order of 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. A final audit shall be performed prior to dissolution of the Fund and a written accounting provided to the Court. The Court will direct the disposition of the assets of the *Fund* in ways which fulfill the purpose of the *Fund*.