IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

In the matter of:

PLAN FOR BAR
ADMISSION FEES

FOURTH AMENDED AND RESTATED

GUIDELINES AND PLAN FOR ADMINISTRATION OF NON-APPROPRIATED FUNDS

I. GENERAL

Attorneys admitted to practice in the Middle District of Florida under the conditions prescribed in Rule 2.01 of the Rules of Practice of the United States District Court for the Middle District of Florida are required to pay to the Clerk an admission fee of $15.00 in addition to the attorney admission fee set by the Judicial Conference of the United States as contained within the District Court Miscellaneous Fee Schedule, as promulgated under 28 U.S.C. § 1914, and a renewal fee of $20.00 payable every other year. Attorneys admitted to practice under Local Rule 2.02 or Local Bankruptcy Rule 2.090-1(c)(1) shall pay a pro hac vice fee of $10.00. The entire attorney admission fee set by the Judicial Conference of the United States will be deposited in the Treasury of the United States as required by 28 U.S.C. § 751(e), and the remainder of any initial fee, all renewals and all pro hac vice fees will be deposited in a local bank account in the name of the Middle District of Florida Non-Appropriated Fund to be administered as provided herein. All existing

members of the Middle District Bar do not have to pay the initial fee, but shall be required to pay renewals.

II. POLICIES, RESPONSIBILITIES AND PROCEDURES

A. Funds derived from attorney admission fees, that are in excess of those required to be deposited in the Treasury of the United States, are non-appropriated funds and are not the property of the United States.

B. The Clerk of the United States District Court for the Middle District of Florida is designated as Custodian of the Non-Appropriated Fund.

C. The Custodian shall cause the fund to be audited on at least a biennial basis, and at such other times as deemed necessary or as directed by the Bench-Bar Fund Committee or the Court, and will provide an annual report to the Court on the status, balance, and utilization of the fund.

D. The Custodian will be responsible for the following:

(1) Receiving, safeguarding, depositing, distributing, and accounting for all funds in accordance with this Plan or as directed by the Bench-Bar Fund Committee. All disbursements shall require the signature of the Custodian or the Chair of the Bench-Bar Fund Committee, and for expenses in excess of $500, either the signatures of the Custodian and the Chair of the Bench-Bar Fund Committee, or the signature of either the Custodian or the Chair of the Bench-Bar Fund Committee and the signature of any other

member of the Bench-Bar Fund Committee who has been authorized by the Board of Judges to sign checks.

(2) Establishing a checking and deposit account in a local bank.

(3) Establishing and maintaining an accounting system that provides the records necessary for audit trail and recordation of all funds and disbursements.

(4) Preparing periodic financial statements and operating reports as required, and certifying that the statements and reports accurately reflect the financial condition of the fund.

(5) Upon recommendation and advice of the Bench-Bar Fund Committee, investing funds in excess of immediate needs in appropriate interest bearing accounts.

III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR

A. When a successor Custodian is appointed, the outgoing Custodian will prepare and sign the following statements in conjunction with an exit audit conducted by an auditor or disinterested person designated by the Bench-Bar Fund Committee:

(1) A statement of assets and liabilities.

(2) A statement of operation or of receipts and disbursements since the period covered by the last statement of operation prepared by the Court.

(3) A statement of the balance in any fund account as of the date of transfer to the successor Custodian.

B. 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.

IV. BENCH/BAR FUND COMMITTEE

A Bench/Bar Fund Committee, to be appointed by the Chief Judge, is established for the purpose of advising the Court and the Custodian on matters of policy in the administration of the fund and approval of expenditures therefrom. The Committee will be composed as follows:

- One District Judge from each division of the Court where there is a resident active District Judge (one of whom shall serve as chair)
- Two Magistrate Judges
- Two Bankruptcy Judges
- Six Attorney Members of the Middle District Bar

The Judge members of the Committee will be appointed by and serve at the pleasure of the Chief Judge. Beginning January 1, 2008, the Chief Judge will select six attorney members to serve on the Committee, three of whom will serve one year terms and three of whom will serve two year terms. At the expiration of the term of those attorney members serving one year, the Chief Judge will appoint three

members to serve two year terms. Thereafter, attorney members will be appointed to serve two year terms. Five of the six attorney members shall reside in separate Divisions of the Court so that each of the five Divisions of the Court is represented by an attorney member. The sixth attorney is an "at large" member and may reside in any Division of the Court.

The fund is subject to audits by the Administrative Office of the United States Courts if requested or authorized by the United States District Court for the Middle District of Florida, or the Eleventh Circuit Council Executive Committee. The Court may appoint an outside auditor to conduct such audits as the Court determines necessary or appropriate.

A. All receipts should be deposited only in federally insured banks (FDIC), and whenever practical or feasible, all substantial sums should be placed in interest-bearing accounts, government securities, or money-market funds invested in government obligations. Efforts will be made to maximize the return on instruments consistent with the requirements of convenience and safety and with the approval of the Bench-Bar Fund Committee.

B. Attorney admission fees collected by the Clerk which are in excess of the amount prescribed by the Judicial Conference and deposited to the Treasury of the United States, constitute non-appropriated funds and shall not be used for purposes which do not inure to the benefit of the members of the Bench or Bar in the administration of justice.

C. Non-appropriated funds from attorney admissions fees described in this Amended and Restated Plan for Bar Admission Fees shall not be used to pay, or supplement payment, for any goods, materials, salaries, expenses, services, or events for which funds provided by Congress to the Judiciary are authorized to be used.

D. The following are examples of proper use of the fund but are not intended to be all inclusive:

(1) Attorney admission proceedings (including admission certificates and other expenses of admissions and admissions ceremonies.)

(2) Attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses, and witness fees in disciplinary proceedings.)

(3) Periodicals and publications for court library for which appropriated funds are not available.

(4) Anatomical charts and stands for courtroom use.

(5) Computerization of library catalog.

(6) Lawyer lounge facilities and equipment.

(7) Surety bond for the Custodian of the fund. (Bond may only cover monies in the fund.)

(8) Fees for services rendered by outside auditors in auditing the trust.

(9) Reimbursement for out-of-pocket expenses necessarily incurred by court-appointed attorneys representing indigents in civil cases not covered by the Criminal Justice Act.

(10) Expenses for the training of court personnel for which appropriated funds are not available, including attendance at conferences and seminars.

(11) Court related projects for which no appropriation is available (such as historical materials or exhibits).

(12) Portraits (or photos).

(13) Literature and programs regarding legal education and information.

(14) Investitures.

(15) Events which are incident to an official function of the Court, such as portrait ceremony receptions, receptions upon the opening of a courthouse, receptions in connection with courthouse visits by legislative leaders, receptions for judicial delegations from other jurisdictions or countries and food and beverage service provided in support of educational outreach programs.

(16) Court awards.

(17) Equipment for photographing or otherwise recording Court events and Court history.

(18) Jury research projects.

V. EXPENDITURE OF FUNDS

A. All requests for funding must be in writing, on forms approved by the Committee.

B. Recurring Expenses: By August 31 of each year, the Committee shall prepare a budget for submission to the Board of Judges for approval of anticipated revenues and expenses during the forthcoming fiscal year. Once approved by the Board of Judges, the custodian shall have authorization to expend funds for such recurring-type expenses within the limits of the budget approved by the Board of Judges.

C. Non-recurring Expenses/Special Projects: All expenditures not covered by the annual budget must be approved as follows:

(1) The custodian or the Committee Chair shall have authorization to approve individual expenditures, not to exceed $500 per item;

(2) With the consent of the Committee at a duly noticed meeting or via an e-mail ballot, expenditures up to $5,000 may be approved;

(3) All expenditures in excess of $5,000 must be approved by the Board of Judges upon recommendation of the Committee.

VI. DISSOLUTION OF THE FUND

In the event of dissolution of the fund, all outstanding obligations must first be

paid, including any expenses resulting from the required final audit. Any remaining assets shall be disposed of in ways that fulfill the purpose of the fund or returned pro-rata to the then existing attorney members of the Middle District Bar.

VII. EFFECTIVE DATE, ANNUAL RENEWALS AND DELINQUENCY

A. This plan originally became effective June 1 , 2004, and applies to all applications for membership or special admissions filed thereafter.

B. All persons admitted to the Bar of this Court prior to January 1, 2004, were required to renew their membership and pay a renewal fee by July 30, 2004, and by the last business day in June each year thereafter. Persons admitted on or after January 1, 2004, were required to renew their membership by June 30, 2005, and by the last business day in June of each succeeding year, provided, however, persons admitted during the first six months of any given year were not required to renew their membership until June of the succeeding year.

C. By amendment adopted by the Board of Judges on February 22, 2006, a renewal fee in the amount of $20.00 shall cover a two-year period and is payable every other year, commencing July 15, 2006, and on the 15th day of July of even-numbered years thereafter; provided however, persons admitted less than 6 months prior to the renewal deadline shall not be required to renew their membership until the next two-year renewal cycle.

D. Any member of the Bar of this Court who has failed to renew his/her membership as required herein by the last business day in August shall be considered delinquent and subject to removal from the membership of the Bar of this Court.

E. Upon the payment of a $50.00 late charge, the grace period provided in paragraph VII.D. above will be extended until September 30 of each even-numbered year.

F. Applications for membership, special admission and renewal shall be on forms approved by the Clerk and accompanied by a check in the appropriate amount.

This Fourth Amended and Restated Guidelines and Plan for Administration of Non-Appropriated Funds was approved by the Board of Judges at a duly authorized meeting on the 7th day of March, 2011.

THEREFORE, IT IS ORDERED on behalf of the Court in Orlando, Florida, this 17th day of May, 2011.

ANNE C. CONWAY
CHIEF UNITED STATES DISTRICT JUDGE