

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

In re: Administrative Orders of the Chief Judge

Case No. 3:21-mc-1-TJC

**TENTH AMENDED PLAN FOR
ADMINISTRATION OF NON-APPROPRIATED FUNDS**

I. GENERAL

Upon admission to the Bar of the United States District Court for the Middle District of Florida, an attorney is required to pay to the Clerk of Court an admission fee set by the Judicial Conference of the United States (JCUS) and a local admission fee of \$25.00. Members of the Middle District Bar must also pay a local periodic renewal fee as set by administrative order. The attorney admission fee set by the JCUS is deposited in the United States Treasury as required by 28 U.S.C. § 751(e). All local admission fees, renewal fees, and pro hac vice fees are deposited in a bank account for the Middle District of Florida Non-Appropriated Fund (also known as the Bench Bar Fund), to be administered as provided in this Plan.

II. CUSTODIAN

A. The Clerk of the United States District Court for the Middle District of Florida is designated as Custodian of the Bench Bar Fund.

B. The Custodian must ensure the Bench Bar Fund is audited at least biennially, and at other times deemed necessary or as directed by the Bench

Bar Fund Committee or the Court. The Custodian will provide an annual report to the Court on the status, balance, and utilization of the fund.

C. The Custodian will be responsible for the following:

- (1) Receiving, safeguarding, depositing, disbursing, and accounting for all funds in accordance with pertinent laws and this Plan or as directed by the Bench Bar Fund Committee. All disbursements require the signature of the Custodian or one member of the Bench Bar Fund Committee who is authorized to sign checks. Disbursements over \$2,500 require the signature of the Custodian and one Committee member authorized to sign checks or the signatures of two Committee members authorized to sign checks.
- (2) Maintaining a checking and deposit account in a federally insured bank or savings institution.
- (3) Maintaining an accounting system that records all deposits and disbursements necessary for an audit.
- (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) When directed by the Bench Bar Fund Committee, investing funds in excess of immediate needs in interest-bearing accounts,

government securities, or money market funds invested in government obligations.

III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR

A. When a successor Custodian is appointed, it is recommended that 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 operations or of receipts and disbursements since the date of the last statement of operations up to the date of transfer to the successor custodian.
- (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 with the accuracy of the statements and records provided by the outgoing Custodian.

IV. BENCH BAR FUND COMMITTEE AND APPROPRIATE USES OF BENCH BAR FUNDS

A. 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 Bench Bar Fund and approval of expenditures. The Committee will be composed as follows:

- At least one district judge from each division of the Court where there is a resident active district judge (one of whom shall serve as chair)
- At least two magistrate judges
- At least 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. The attorney members will serve staggered two-year terms, with three of the attorneys rotating off the Committee each year. Each of the five Divisions of the Court will be represented by an attorney member resident in the Division. The sixth attorney is an “at large” member and may reside in any Division of the Court.

B. The Bench Bar Fund is subject to cyclical audits by the Administrative Office of the United States Courts, and if requested by the United States District Court for the Middle District of Florida or the Eleventh Circuit Council Executive Committee. The Court may engage an outside auditor to conduct such audits.

C. All Bench Bar funds must be deposited in federally insured banks. If directed by the Bench Bar Fund Committee, funds in excess of immediate

needs will 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.

D. As non-appropriated funds, Bench Bar funds must not be used to pay for goods or services for which appropriated funds may legally be used, even if the appropriated funds are exhausted or otherwise not available. Using non-appropriated funds for any purpose for which appropriated funds may legally be used constitutes an impermissible augmentation of appropriations. Non-appropriated funds must not be used for purposes that do not inure to the benefit of the members of the Bench and the Bar in the administration of justice.

E. Below are examples of categories of proper common uses of attorney admission funds. The Bench Bar Fund Committee's Second Amended Parameters for Use of Bench Bar Funds provides more specific examples and guidelines for fund use.

- (1) Attorney admission proceedings, including expenses of admission ceremonies.
- (2) Attorney discipline proceedings, including but not limited to:

- a. Expenses of investigating counsel for disciplinary enforcement;
 - b. Stenographers;
 - c. Meeting room rentals;
 - d. Postage;
 - e. Travel expenses; and
 - f. Fees of witnesses.
- (3) Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations.
- Examples:
- a. Furniture;
 - b. Computers, printers, photocopiers, and fax machines;
 - c. Beverage supplies or service;
 - d. Microwave, refrigerator, and other appliances; and
 - e. Television, telephone, and internet service.
- (4) Surety bond for the custodian of the fund. (The bond may only cover monies in the fund.)
- (5) Fees for services rendered by outside auditors or accountants in auditing the fund.

- (6) Reimbursement of appointed pro bono counsel for out-of-pocket expenses as authorized by the court's Plan for Pro Bono Representation by Appointment in Civil Cases.
- (7) Reimbursement of out-of-pocket expenses of counsel appointed on a pro bono basis by the Bankruptcy Court as authorized by a properly adopted Plan for Reimbursement of Costs in Bankruptcy Cases that includes a procedure for approval of expenses.
- (8) In civil and bankruptcy cases, expenses of court ordered mediation for a pro se party regardless of whether the party has been granted in forma pauperis status, if in the view of the assigned judge such expenditure is warranted.
- (9) Donations to organizations that provide legal representation, advice, or assistance to unrepresented litigants in federal civil matters, including representation for settlement conferences or other alternative dispute resolution activities, provided that such organizations use the donation for no other purpose.
- (10) 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.

- (11) 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.
- (12) 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 Federal courts or made in recognition of federal judicial service. 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.
- (13) Expenses and reasonable fees of guardians ad litem appointed by the court to represent minors and other incompetent parties in proceedings before the court.
- (14) Notwithstanding the rule against augmentation, attorney admission funds may be used to purchase books, periodicals, and other resource materials for court libraries for which appropriated funds may also be used.

- (15) Court-related projects for which no appropriation is available (such as historical matters or exhibits).
- (16) Portraits (or photographs), including framing.
- (17) Expenses for programs and materials regarding legal education and/or donations to organizations to prepare and/or present such programs or materials.
- (18) Events which are incident to an official function of the Court, such as investitures, portrait ceremony receptions, retirement receptions for judicial officers, 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.
- (19) Court awards, including recognition of achievement or completion of Re-entry Court goals.
- (20) Costs, including the purchase of equipment, associated with photographing and recording court events and court history.
- (21) Any other purpose for which appropriated funds may not legally be used that will benefit the bench and the bar in the administration of justice. For limitations, see: Guide to Judiciary Policy, Volume 4, Chapter 6, § 670.30.

V. REQUESTS FOR AND EXPENDITURE OF FUNDS

A. Any request for funding must be in writing, on a form approved by the Committee, available on the Court's website. Funding requests may be made by anyone. Generally, the Bench Bar Fund Committee will not provide funds in advance. Instead, a pre-approval request should be submitted followed by a request for reimbursement of approved expenditures after payment has been made.

B. Recurring Expenses: Before the end of each fiscal year, the Committee shall prepare a budget for submission to the Board of Judges for approval of anticipated revenues and expenses during the next fiscal year. Once approved by the Board of Judges, the Custodian, Committee Chair, or Committee will be authorized to expend funds within the limits of the budget approved by the Board of Judges.

C. Non-recurring Expenses/Special Projects: With the exception of payments authorized pursuant to the Court's Plan for Pro Bono Representation by Appointment in Civil Cases, all expenditures not covered by the annual budget must be approved as follows:

- (1) The Custodian has the authority to approve expenditures not to exceed \$2,500;
- (2) The Committee Chair has the authority to approve expenditures not to exceed \$10,000;

- (3) The Committee, at a duly noticed meeting or via an e-ballot, has the authority to approve expenditures up to \$35,000;
- (4) All expenditures in excess of \$35,000 must be approved by the Board of Judges upon recommendation of the Committee.

D. Payments authorized by the Plan for Pro Bono Representation by Appointment in Civil Cases must be approved as follows:

- (1) The presiding judge may approve total reimbursement up to \$20,000;
- (2) The presiding judge and the Bench Bar Fund Committee must approve a total reimbursement in excess of \$20,000.

VI. DISSOLUTION OF THE FUND

In the event of dissolution of the Bench Bar Fund, a final audit must be performed, and a written accounting rendered to the Court. The Custodian must ensure that all outstanding obligations are paid first, 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.

VII. EFFECTIVE DATE, RENEWALS, AND DELINQUENCY

The timing and amount of periodic renewal fees will be determined by the Board of Judges and communicated to lawyers by administrative order. Any member of the Bar of this Court who fails to properly renew their membership will be considered delinquent and subject to removal from the

membership of the Bar of this Court. Any lawyer removed from the Court's bar will be required to reapply and pay the appropriate admission fees. Application and payment for membership, special admission, and renewal shall be made in the manner directed by the Clerk.

This Tenth Amended Plan for Administration of Non-Appropriated Funds was approved by the Board of Judges by electronic mail ballot on October 1, 2024.

DONE and ORDERED in Jacksonville, Florida on behalf of the Court on October 15, 2024.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN
Chief United States District Judge