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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IN THE MATTER OF:)
THE PLAN FOR THE ADMINISTRATION)
OF NON-APPROPRIATED FUNDS)
_____)

**EIGHTH AMENDED
SPECIAL ORDER NO. 59**

I.

INTRODUCTION.

In conformity with the "Guidelines for the Administration of Non-Appropriated Funds Maintained by the Courts of the United States" issued by the Director of the Administrative Office of the United States Courts on October 1, 1981 and amended on October 31, 1986, the Judges of this Court adopt this Plan to establish guidelines and procedures for the administration and operation of the District of Nevada Non-Appropriated (Attorney Admission) Fund.

II.

SOURCE OF FUNDS.

Funds to be administered in accordance with the Plan shall consist of:

A. Attorney Admission Fees.

1. Attorneys admitted to the Bar of this Court under the conditions prescribed in Local Rule IA 10-1 of the Local Rules of Practice of this Court shall be required to pay to the Clerk an admission fee of \$175.00.

2. Attorneys not admitted to the Bar of this Court who, upon the filing of a verified petition for permission to practice in an individual case, are admitted under the limited conditions prescribed in Local Rule IA 10-2 of the Local Rules of Practice of this Court shall be required to pay to the Clerk an admission fee of \$175.00 for each such verified petition so filed.

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C. Duties and Powers.

The Advisory Committee shall:

- 1. Oversee the activities of the Custodian of The Fund.
- 2. Review and approve the quarterly accountings rendered by the Custodian.
- 3. Recommend by majority vote of the Committee, individual disbursements from

The Fund. All such recommended disbursements shall be subject to the approval of the active District Judges.

D. Meetings.

The Advisory Committee shall conduct quarterly meetings and / or telephone or video conferences, and at such other times as may be needed, to consider proposals for disbursements from The Fund and / or to establish policies and procedures as may be required for the management of The Fund. A majority of the members of the Advisory Committee shall constitute a quorum for the conduct of business by the Committee. Mail ballots may be permitted if approved by a majority of the Committee.

E. Notice of Meetings and / or Telephone and Video Conferences.

The Secretary shall give ten-day advance notice of the Advisory Committee meetings and / or telephone or video conference to each member of the Committee. In the event of an emergency, the ten-day notice provision may be waived by a majority vote of the Committee.

**IV.
CUSTODIAN.**

A. Appointment.

The Clerk of the District Court is appointed Custodian of The Fund. In the event of the death, retirement or resignation of the Clerk, a Chief Deputy Clerk, or such other person as the Chief District Judge designates, shall become the Custodian until such time as the next Clerk assumes office.

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B. Responsibilities and Duties.

The Custodian of The Fund shall:

1. Receive, safeguard, deposit, disburse and account for, in accordance with law, this Plan and the policies of the Advisory Committee, all funds collected under Section II of this Plan.
2. Secure a bond, to be paid for from assets of The Fund.
3. Establish an accounting system for The Fund and maintain proper records of receipts and disbursements.
4. Ensure that a financial statement and operating report is prepared quarterly, and sign such statement and report thereby certifying to the Advisory Committee that said document accurately reflects the financial condition of The Fund.
5. Invest monies from The Fund with approval of the Advisory Committee in accordance with Section VII of this Plan.
6. Sign checks drawn from The Fund, which checks shall be countersigned by the Chief District Judge, or the active District Judge next most senior in service, in the absence of the Chief District Judge.
7. Act as Secretary to the Advisory Committee and keep records and minutes of that Committee's meetings and / or telephone and video conferences.
8. Perform such other duties as the Court may direct.

V.

SUCCESSOR CUSTODIAN.

A. Upon appointment of a successor Custodian, the outgoing Custodian shall prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the Court;

1. A statement of assets and liabilities;

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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.

B. The successor Custodian shall execute a receipt for all funds after being satisfied as to the accuracy of the statements provided by the outgoing Custodian. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

VI.

AUDITS AND INSPECTION.

A. Routine Audits.

The Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts. The Advisory Committee may select an outside auditor or disinterested inspector (who may be a government employee) to conduct such additional audits as the court determines may be necessary or appropriate. In any event, an audit shall be conducted at least once annually. The written results of such audits or inspections shall be provided to the Court, the members of the Advisory Committee and, upon request, any member of the Bar of this Court. A copy of such written results of the audits or inspections shall be filed in the Clerk's Office in Las Vegas and Reno. Reasonable compensation may be provided from the assets of The Fund if the auditor or inspector is not a government employee acting in an official capacity.

B. Final Audit.

In the event the Court orders a dissolution of The Fund, a terminal audit or inspection shall be performed prior to the dissolution of The Fund and a written accounting rendered to the Court and the Advisory Committee.

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VII.

PROTECTION OF THE FUND'S ASSETS.

A. Funds held by the Custodian must be segregated from all other monies in the custody of the Court.

B. All receipts shall be deposited only in banks or savings institutions where accounts are insured by the F.D.I.C. or F.S.L.I.C.. A minimum reserve of \$5,000.00 shall be maintained in The Fund at all times. Whenever practical and feasible, the Custodian shall place all substantial sums into secured, interest-bearing accounts, government securities, or money market funds invested in government obligations, as the Advisory Committee shall direct. Efforts shall be made to maximize the return on investments consistent with the requirements of convenience and safety.

VIII.

USES OF THE FUND.

A. In general, monies deposited into The Fund must be used for purposes which benefit the members of the Bench and Bar of this Court in the administration of justice. No expenditure shall be made for the benefit of the members of the Bench to the exclusion of the members of the Bar. Any judge, Advisory Committee member, staff member or member of the Bar of this Court may make recommendations for expenditures from The Fund by completing an application supplied by the Custodian of The Fund. Although not intended to be all-inclusive, monies deposited into The Fund may be used to pay for any of the following:

1. Lawyer lounge and other courthouse facilities benefitting the Bar.
2. Equipment and materials to assist attorneys in the courtroom and Clerk's Office.
3. Expenses for printing of court rules and other documents related to court operations given to attorneys upon admission to the Bar, or at such other times as may be appropriate.
4. Expenses related to attorney admission proceedings.
5. Expenses related to attorney discipline enforcement and proceedings.

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6. Court projects and programs that interest or benefit the Bar or which enhance the quality of advocacy in the court, or further the administration of justice.

7. Expenses of the central library for which appropriated funds are not available at the time the expense is incurred.

8. Expenses for the development, collection and preservation of items of historical value to the Courts of the District of Nevada.

9. Expenses incurred by the Custodian of The Fund in performance of official duties under this Plan, including the expense of a surety bond covering monies in The Fund.

10. Fees for services rendered by outside auditors or inspectors in auditing or inspecting the records of The Fund.

11. Reimbursement of out-of-pocket expenses, not to exceed \$2,500.00 per case, necessarily incurred by court-appointed attorneys representing indigents pro bono in civil cases not covered by the Criminal Justice Act. In the event of extraordinary circumstances, the \$2,500.00 limit may be waived upon majority vote of the Advisory Committee. In no event, however, shall reimbursement of out-of-pocket expenses exceed \$5,000.00 per case. Additionally, no funds will be expended for reimbursement of out-of-pocket expenses unless and until the trial judge has made a finding that expenses were both reasonable and necessary.

12. Such other expenses recommended by the Advisory Committee for the use and benefit of the Bench and Bar of this Court in the administration of justice.

IX.

LIMITATIONS ON USE OF THE FUND.

Monies deposited into The Fund shall not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances shall The Fund be used to supplement the salary of any court officer or employee.

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X.

DISSOLUTION OF THE FUND.

The Court may dissolve The Fund or any portion thereof whenever considered appropriate to do so. Should the Court order dissolution of The Fund, the Custodian shall ensure that all outstanding obligations are liquidated prior to dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspection as set forth in Section VI-B of this Plan. The Court will direct the disposition of remaining assets in The Fund in ways which will fulfill the purpose of The Fund as set forth in Section VIII-A of this Plan.

XI.

EFFECTIVE DATE.

This Eighth Amended Special Order No. 59 shall become effective on the 1st day of June 2009.



ROGER L. HUNT,
CHIEF U.S. DISTRICT JUDGE