



**ATTORNEY ADMISSION FUND MANAGEMENT PLAN**  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

I.	PURPOSE OF PLAN.....	1
II.	SOURCE OF FUNDS.....	1
III.	CUSTODIAN AND DUTIES .....	2
IV.	ATTORNEY ADMISSION FUND COMMITTEE.....	2
V.	MANAGEMENT .....	3
VI.	EXPENDITURES .....	4
VII.	DISBURSEMENTS .....	8
VIII.	DISSOLUTION OF THE FUND.....	9

**I. PURPOSE OF PLAN**

Under Volume 4, Chapter 6, of the [Guide to Judiciary Policies and Procedures](#) (Guide), the District of Utah adopts this Attorney Admission Fund Management Plan (Plan) to establish standards and procedures for the management and use of non-appropriated funds collected from attorney admission fees. This Plan revises and supersedes the Amended Standing Order No. [16-005](#) and General Orders [08-002](#) and [08-003](#).

**II. SOURCE OF FUNDS**

A. Attorney Admission Fee. Under DUCivR 83-1.1, attorneys admitted to practice in the District of Utah must pay an admission fee. The Judicial Conference of the United States sets the fee as required by 28 U.S.C. §§ 1913 and 1914. A portion of the attorney admission fee is deposited into the special fund and in the Treasury of the United States. Funds derived from attorney admission fees that

exceed 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. Annual Attorney Registration, Pro Hac Vice, and Other Fees. Under DUCivR 83-1.1 and 83-1.2, some attorneys must pay an annual registration or a pro hac vice fee. Some attorneys must also pay fees for lapsed registration. All these fees will be deposited in a bank account in the name of USDC-Utah Non-Appropriated Fund (Attorney Admission Fund or Fund) to be managed consistent with this Plan.

### **III. CUSTODIAN AND DUTIES**

The Clerk of Court is designated as custodian of the Attorney Admission Fund. The custodian must receive, safeguard, deposit, distribute, and account for all funds in accordance with this Plan and as directed by the Attorney Admission Fund Committee (Committee). The custodian will:

- establish a checking, deposit account, and long-term accounts in a federally insured institution;
- establish and maintain an accounting system to provide the records necessary for any audit and recordation of all funds and disbursements;
- prepare periodic financial statements and operating reports as required by this Plan and the Administrative Office of the Courts and certify that the statements and reports accurately reflect the financial condition of the Fund; and
- upon recommendation and advice of the Committee, invest funds in excess of immediate needs in appropriate interest-bearing accounts.

### **IV. ATTORNEY ADMISSION FUND COMMITTEE**

The Committee is established for the purpose of advising the court and custodian on matters of policy in the administration of and approval of expenditures from the Fund. The Committee will be composed of:

- 3 attorney members of the court’s bar, 1 of whom resides in the Southern Region (who are voting members);
- 2 judges, 1 district judge and 1 magistrate judge (who are voting members);
- Clerk of Court (who is a non-voting member); and
- Clerk’s Office Finance Department representative (who is a non-voting member).

The Chief Judge will appoint the attorney and judge members of the Committee for three-year terms. In 2023, the Chief Judge will select 3 attorney members, 1 of whom will serve a two-year term, and 2 judges to serve on the Committee, 1 of whom will serve a two-year term. Each term is renewable once. At the expiration of the terms, the Chief Judge will appoint new members by letter. The names and terms of Committee Members will be posted on the court’s website.

**V. MANAGEMENT**

A. Audit. The Administrative Office of the U.S. Courts or court-appointed outside auditors may perform audits of the Attorney Admission Fund. The written results of the audit will be provided to the court. Costs for outside audits will be paid using money from the Fund. Annual audits will be performed for the fiscal year, October 1 – September 30.

B. Annual Accounting. The Clerk of Court will provide an accounting of the Attorney Admission Fund at least annually, and ensure that operating and expenditure reports and are prepared as requested. The Clerk of Court must distribute a copy to the Chief Judge, thereby certifying that the statement and report accurately present the financial condition of the Fund. The reports must state the following:

- beginning balance of assets;
- revenue during reporting period, including collections and interest;

- disbursements during reporting period, listed by major classifications;
  - ending balance of assets (bank balances and undeposited collections);  
and
  - available balance.
- C. Revenue Budget. Before the beginning of each fiscal year, following receipt of the annual Auditor Report, the Clerk of Court will send a revenue budget to the Chief Judge for approval. The revenue budget will include recommendations for changes to the attorney admission, annual attorney registration, reinstatement, or pro hac vice fees considering the Fund balance and anticipated expenditures. The court will avoid unreasonable accumulation of money in the Fund. The court will adjust revenue collections until the balance is in line with needs.
- D. Expenditure Budget. Before the beginning of each fiscal year, the Committee will send an expenditure budget to the Chief Judge for approval. The budget for the year must forecasts Fund income and expenses.
- E. Fund Management. All money will be deposited in a federally insured bank or savings institution and, when feasible, will be placed in interest-bearing accounts. Funds must be segregated from other monies the court collects, including other non-appropriated funds.

## VI. EXPENDITURES

- A. General Governance of Fund Uses. The [Guide](#) and this Plan strictly govern the use of money from the Fund. The Attorney Admission Fund must be used only for purposes that benefit the members of the bench and bar in the administration of justice.
- B. Prohibited Expenditures. The Attorney Admission Fund must not be used to pay for goods or services for which appropriations may legally be used, even if the appropriated funds are exhausted or otherwise not available (because an expenditure would exceed a judiciary spending limit). Use of the Attorney

Admission Fund for any purpose for which appropriated funds may legally be used constitutes an impermissible augmentation of appropriations.

- C. Authorized Expenditures. According to the Guide and this Plan, Attorney Admission Fund money may be used for the following (paragraph numbering is from the [Guide](#)):

#### **Admission and Discipline**

*Guide Paragraph 1* - Attorney admission proceedings, including expenses of admission committees and admission ceremonies.

*Guide Paragraph 2* - Attorney discipline proceedings, including, but not limited to:

- expenses of investigating counsel for disciplinary enforcement,
- stenographers,
- meeting room rentals,
- postage,
- travel expenses, and
- fees of witnesses.

#### **Attorney Lounge**

*Guide Paragraph 3* - Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriations.

Examples:

- furniture;
- photocopiers and fax machines;
- beverage supplies or service;
- microwave, refrigerator, and other appliances; and
- television, telephone and internet service.

### **Fund Audit Expense**

*Guide Paragraph 4* - Surety bond for the custodian of the fund. (The bond may only cover monies in the fund.)

*Guide Paragraph 5* - Fees for services rendered by outside auditors or accountants in auditing the fund.

### **Bank Charges**

*Guide Paragraph 12* - 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](#) § 670.30.

### **Pro Bono Expenditures**

*Guide Paragraph 6* - Reimbursement of pro bono counsel for out-of-pocket expenses, payment of compensation to pro bono counsel, and payment of witness fees and other expenses for indigent pro se civil litigants. In the event of an award of attorney's fees or costs to pro bono counsel during such litigation, the court may order return to the Fund of any payments made from the Fund to counsel for fees and expenses in an amount equal to the award.

### **Donations / Contributions**

*Guide Paragraph 7* - 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.

*Guide Paragraph 10* - 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 courts. 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 (Guide, Vol. 2A).

### **Other Purposes / WiFi**

*Guide Paragraph 12* - 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](#) § 670.30.

*Guide Paragraph 8* - 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.

*Guide 670.30.10* 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.

### **Ceremonies / Judicial Events**

*Guide Paragraph 12* - 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](#) § 670.30.

### **Historical Purposes**

*Guide Paragraph 12* - 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](#) § 670.30.

### **Hospitality**

*Guide Paragraph 9* - 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.

### **Travel**

*Guide Paragraph 11* - Expenses of circuit judicial conferences, to the extent permitted by Judicial Conference policy. Expenditures may be paid from any court's attorney admission fund. See: JCUS-MAR 2005, p. 5.

Attorney admission funds must not be used to pay for official or personal travel by a judge or court employee or by his or her family member. As a limited exception, attorney admission funds may be used to pay for local transportation of a judge or court employee to attend bench/bar events.

see: [Guide](#) § 670.30.30.

## **VII. DISBURSEMENTS**

- A. Request. A request for funding, and a later request for disbursement, must be in writing, on committee-approved forms.
- B. Disbursement Authorization: Every disbursement from the Fund must be certified by the custodian as within the budget (or approved under VII. D.) and approved by the Chief Judge.
- C. Recurring Expenses. After the budget is approved for recurring-type expenses (e.g., Wi-Fi at courthouses, specialty court expenses), the custodian has authorization to expend those funds, within the limits of the budget.
- D. Expenditures outside of Budget. All expenditures not covered by the annual budget must be approved as follows:
  - 1. Chief Judge and custodian may approve expenditures up to \$5,000; and
  - 2. Chief Judge, Committee, and custodian must approve all expenditures more than \$5,000.
- E. Veto of Expenditures. The Chief Judge and custodian may jointly veto a proposed expenditure, which violates the Guide, Plan or law.



## VIII. DISSOLUTION OF THE FUND

In the event of dissolution of the Attorney Admission Fund:

- a final audit must be performed consistent with [Guide](#) § 670.80.20 and a written accounting rendered to the court;
- all outstanding obligations must first be paid, including any expenses resulting from the required final audit; and
- remaining funds must be disposed of in ways that fulfill the purpose this Plan.

The District of Utah Judges approved this Plan on April 13, 2023. This Plan is effective May 18, 2023.



Robert J. Shelby  
Chief United States District Judge

May 18, 2023

Date