

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY
May W. Thomas

JUN 27 2013

**In Re: ORDER AMENDING THE PLAN
FOR ESTABLISHMENT,
ADMINISTRATION AND OPERATION
OF THE COURT IMPROVEMENT FUND**

Thomas M. Gould, Clerk
U. S. District Court
W.D. of TN, Memphis
Admin. Order No. 2013-12

By Administrative Order 93-1, this Court established "The Court Improvement Fund" in recognition of a need to incur certain expenses for the improvement of court operations and for the benefit of the federal bench and bar in the administration of justice. The Fund would be financed from attorney admission fees, pro hac vice fees and annual enrollment fees. Thereafter, the Court adopted the Plan for Appointment of Counsel for Pro Se Indigent Parties in Civil Cases and created a trust account call the Pro Bono Expense Fund (Administrative Order 98-17). The Pro Bono Expense Fund was created as a subsidiary to and funded from deposits previously made into the Court Improvement Fund. The Clerk of Court was designated as the Custodian of both funds.

Consistent with Judicial Conference Policy on attorney admission fees, it is the view of this Court that the current Court Improvement Fund Plan should be amended to include a provision for providing financial support towards the cost of judicial portrait expenses. Therefore, it is hereby

ORDERED that the Court through its Court Improvement Fund may provide direct financial assistance toward the cost of judicial portraits and related framing expenses for district judges who retire, take senior status at the end of their active tenure or are elevated to an appellate judgeship. It is further

ORDERED that the Plan for the Court Improvement Fund be amended to include "judicial portrait costs" as an appropriate use of the Fund. It is further

ORDERED that a Judicial Portrait Policy be adopted by the Court establishing the following conditions for use of funds from the Court Improvement Fund to offset costs related to judicial portraits:

1. The formation of a portrait committee for engaging and contracting for the services of a portrait artist and for handling all financial matters. The portrait committee shall not include the subject district judge or any court staff.
2. Financial support for the judicial portrait, related framing and any unveiling ceremony through its Court Improvement Fund in the following manner:
 - a) The Court will provide direct financial assistance for the production of the portrait and related framing in an amount that shall not exceed to 50% (Fifty Percent) of these contracted costs, but in no event shall this financial assistance exceed \$13,500.00. Court funding shall be in the form of a stand-by, back-end contribution intended to cover any short-fall (not to exceed the lesser of 50% of contracted costs or \$13,500.00) in fund-

raising by the portrait committee and should not be construed to serve as an up-front contribution to the portrait committee. The expression "direct financial assistance" means that any payments by the Court through the Plan shall be made only to the portrait committee in the amount applicable. The Court cannot advance excess funding to the portrait committee with the expectation of future partial reimbursement because this is impermissible under the Guide, and the Court cannot make payments directly to the artist as the Court will not be in privity of contract with the artist. The above limitation of \$13,500.00 cannot be increased without the unanimous express prior approval of the Court and must be solely for documented good cause shown as the Court determines.

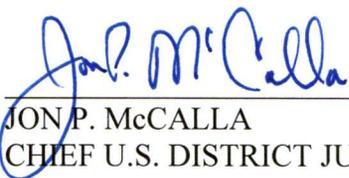
b) The Court shall provide financial assistance for any unveiling ceremony in an amount not to exceed \$1,500.00. The mechanics, scope, nature and extent of financial assistance for any unveiling ceremony shall be at the discretion of the Clerk of Court, who is familiar with federal procurement regulations and the policies and guidelines of the Judiciary.

3. The Judicial Portrait Policy shall be attached to and incorporated by reference into the Court's Court Improvement Fund Plan, as amended.

ORDERED that consistent with Administrative Order 2009-04, filed February 4, 2009, the Clerk of Court is authorized to transfer up to \$75,000.00 from the Pro Bono Expense Fund to the Court Improvement Fund (less any transfers effectuated between these funds since February 4, 2009) to cover the expenses related to judicial portraits.

DONE and ORDERED at Memphis, Tennessee, on this 19 day of June, 2013.

FOR THE COURT:



JON P. McCALLA
CHIEF U.S. DISTRICT JUDGE