

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

Administrative Order No. 98-17

**ORDER AMENDING ADMINISTRATIVE ORDER
93-1 TO AUTHORIZE EXPANDED USE OF THE
COURT IMPROVEMENT FUND TO FINANCE
OPERATION OF A PLAN FOR THE APPOINTMENT
OF COUNSEL FOR PRO SE INDIGENT PARTIES
IN CIVIL CASES OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE**



Consistent with Judicial Conference policy, as articulated in the "Guidelines for 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, this district, by Administrative Order 93-1, established "The Court Improvement Fund." The Court Improvement Fund was created 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. This Fund is financed from fees collected in conjunction with general and *pro hac vice* admissions of attorneys to the bar of this court, and from interest accruing on Fund balances. The Clerk of Court is custodian of the Court Improvement Fund.

It is the view of the court that the administration of justice is advanced through a policy which encourages members of the federal bar to represent parties who are unable to afford counsel. In furtherance of this objective, the court hereby adopts a "Plan for the Appointment of Counsel for Pro Se Indigent Parties in Civil Cases of the United States District Court for the Western District of Tennessee," (the Plan), and creates a trust account, to be called the "Pro Bono Expense Fund," which will be subsidiary to and funded from proceeds deposited in the Court

Improvement Fund. The Pro Bono Expense Fund will be used exclusively for reimbursement of out-of-pocket expenses in the manner set forth in the Plan which are necessarily incurred by court-appointed attorneys representing indigent parties in civil cases, pursuant to the Plan, and which are not recoverable under the provisions of the Criminal Justice Act, Title 18, U.S. Code § 3006A or Title 28, U.S. Code.

To this end, it is

ORDERED that the Clerk of Court, as trustee of the Pro Bono Expense Fund, observe the following responsibilities:

- (a) To establish an interest-bearing account in a federally insured bank or savings institution;
- (b) To receive, safeguard, deposit, disburse, and account for all funds in accordance with the law, this Plan, and the policies established by the court;
- (c) To establish an accounting system for the Fund;
- (d) To insure that annual financial statements and annual operating reports are prepared in a timely fashion, and to sign such statements and reports, and submit same to the court thereby certifying they accurately represent the financial condition of the Fund;
- (e) To process and review applications for reimbursements of expenses pursuant to the guidelines established by this Plan;
- (f) To sign checks drawn on the Fund;
- (g) To invest funds in accordance with the provisions of this Plan;
- (h) To prepare all necessary reports for the Internal Revenue Service; and,
- (i) To perform such other functions as may be required by the court.

It is further

ORDERED that when a successor trustee is appointed, the outgoing trustee will prepare and sign a Statement of Assets and Fund Balance up to the date of transfer to the successor trustee, in conjunction with an outside audit, unless waived by this Court. The successor trustee shall execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing trustee.

Finally, it is

ORDERED that the Clerk of Court will cause this order to be entered on the record of the court and, thereafter, publically noticed concerning the establishment of the Pro Bono Expense Fund.

DONE and ORDERED at Memphis, Tennessee, on this 28th day of May, 1998.

FOR THE COURT: Julia Smith Gibbons
Julia Smith Gibbons
Chief United States District Judge

c: All Western District Judges
Robert R. Di Trolio, Clerk of Court