

GENERAL ORDER NO. 19
PLAN FOR THE ADMINISTRATION AND OPERATION
OF THE COURT NON-APPROPRIATED FUND

I. Introduction

In conformity with 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 7, 1981, the Court adopts this Plan to establish standards and procedures for the administration and operation of non-appropriated funds held and collected by the Court for the benefit of the bench and the bar. This Plan supersedes General Order No. 19, "Plan for the Administration and Operation of the Court Non-Appropriated Fund" adopted June 16, 1981 and amended June 18, 1991.

II. Sources of Funds

The funds to be administered in accordance with this Plan include -

A. All funds on deposit with the Clerk under the designation "Library Fund" on the date of adoption of this Plan.

B. All funds received by the Clerk pursuant to Civ. LR 11-1(d).

C. All income derived from the sources described in II.A. and B., above.

III. Fund Custodian

The Clerk of the Court is hereby appointed custodian of the Fund. He shall:

A. Receive, safeguard, deposit, disburse and account for all funds, as prescribed in this Plan and in pertinent laws;

B. Establish an accounting system approved by the court;

C. Insure that a financial statement and operating report is prepared quarterly, sign it and distribute a copy to each judge of the court, thereby certifying that the statement and report accurately presents the financial condition of the fund;

D. Invest funds in federally insured interest bearing accounts, government securities or money market funds invested in government obligations;

E. Perform such other functions as the court may direct.

IV. Purpose and Uses of the Fund

The Fund is to be used for the benefit of the bench and the bar in the administration of justice. Its uses include, but are not limited to:

A. Providing for the court library useful books, treatises, periodicals, research aids, equipment, facilities and services not available through the Administrative Office of the United States Courts;

B. Collection and preservation of records of historical value to the court;

C. Development of the history of the court;

D. Enhancing the level of advocacy in the court;

E. Covering costs of attorney admission proceedings (including expenses of admissions, committees, and admissions ceremonies);

F. Covering the costs of attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings).

G. Covering costs of special projects or acquisitions to further the administration of justice within the district.

V. Administration of the Fund

The Fund shall be administered by a Court Non-Appropriated Fund Committee to consist of a chairperson and four other members designated by the Chief Judge, at least one of whom shall be from the San Jose division. The Committee shall be responsible for overseeing the Clerk in his custodial responsibilities, reviewing and approving the quarterly accountings rendered by the Clerk and making recommendations on proposed expenditures from the Fund.

The chairperson (or, in the chairperson's absence, the most senior active judge on the Committee) shall have the authority to approve individual disbursements not exceeding

\$1,000.00. The Committee, or a majority thereof, shall have the authority to approve individual disbursements not exceeding \$5,000.00. All expenditures in excess of \$5,000.00 may be authorized only by a majority of a quorum of active judges. Any judge, staff member or member of the bar of this court may make recommendations for expenditures.

Expenditures normally will be made only from earnings and not from principal or receipts under Civ. LR 11-1(d).

VI. Audit

The financial records, disbursements, receipts and earning statements shall be audited by the Audit Division of the Administrative Office of the United States Courts as a part of their periodic reviews of the business of the court. The Court Non-Appropriated Fund Committee may direct that an audit be performed by an outside auditor at any time. The cost of such audit, if any, shall be paid out of the Fund.

DATED: December 9, 1981
AMENDED: June 18, 1991
AMENDED: March 15, 1994

/S/ Marilyn Hall Patel
MARILYN HALL PATEL
Chief Judge