

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



AMENDED PLAN FOR THE ADMINISTRATION OF
THE ATTORNEY ADMISSION FUND

FEBRUARY 5, 2008

PLAN

A. Creation of the Fund; Purpose of Plan

By order of the Court dated February 25, 1991, the supplemental fee established in accordance with Local Rule 83.5.1(A)(7) and Appendix A, Section (B)(10) of the Local Rules of this Court, was used to establish an Attorney Admission Fund (Fund) to be used for the benefit of the bench and bar in the administration of justice, as set forth in the Guide to Judiciary Policies and Procedures, Volume 1, Chapter VII, Part O(4).

B. Procedures

Effective June 1, 2004 the fee for admission to practice before this Court was increased to \$200.00, of which \$150.00¹ shall be deposited in the Treasury of the United States, and \$50.00² shall be deposited in the Fund. By order of the Court dated May 5, 1998 a fee of \$50.00 was established for each motion for leave to appear and practice in a particular case pro hac vice which shall be deposited in the Fund. These fee changes become effective for all applications for attorney admission and motions to appear pro hac vice filed on/or after June 1, 1998.

By order of the Court dated February 4, 2003 to prepare for the implementation of the new Case Management/Electronic Case Filing (CM/ECF) system, all members of the bar admitted to this Court prior to January 1, 2001 were required to complete and submit a re-registration form to the Clerk of Court with a \$25.00 re-registration fee. This information was necessary to update the Court's roll of admitted attorneys and its computerized attorney database for use in the new CM/ECF system.

The Clerk shall establish and maintain a checking account under the name "Clerk, U.S. District Court - Attorney Admission Fund" with a local bank, and shall deposit into this account all supplemental attorney admission fees, filing fees for motions for leave to appear, and re-registration fees that have been collected for the Fund, including all interest accrued on this account.

No disbursements shall be made from the Fund, nor shall any changes be made to the nature of the account wherein the funds are being held, except by order of the Chief Judge or, in his absence, a district judge empowered to act on his behalf.

C. Custodian of the Fund

The Clerk of the Court is the custodian of the Fund. In the event of the death, retirement or resignation of the Clerk, the chief deputy clerk, or such other person as the Chief Judge designates, shall become the custodian until such time as the next Clerk assumes office.

¹ As of March 16, 2004, the statutory fee for admission of attorneys to practice was increased from \$50.00 to \$150.00

² Local courts may charge, at their option, a local fee above the \$150.00 fee for original admissions prescribed by the Judicial Conference and a local fee for pro hac vice admissions which are retained by the district court in a separate account.

D. Duties and Responsibilities of the Custodian

The responsibilities of the custodian are as follows:

- (1) to receive, deposit, disburse, safeguard, and account for all funds in accordance with the law, this plan, and the policies established by the Court;
- (2) to establish an accounting system for the Fund;
- (3) to insure that financial statements and operating reports are prepared in a timely fashion and to sign such statements and reports, thereby certifying that they accurately present the financial condition of the Fund;
- (4) to invest funds in accordance with the provisions of this plan; and
- (5) to perform such other functions as may be required by the Court.

E. Responsibilities upon Appointment of a Successor Custodian

When a successor custodian is appointed, the outgoing custodian should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector designated by the Chief Judge:

- (1) a statement of assets and liabilities;
- (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.

The successor custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing custodian. Acceptance may be conditioned upon an audit and verification where circumstances warrant.

F. Audits and Inspections

The Fund is subject to audit by the appropriate staff of the Administrative Office of the United States Courts. The Chief Judge may appoint an auditor or disinterested inspector (who may be a government employee) to conduct such audits as the Court determines to be necessary. The written results of such audit or inspection will be provided to each district judge and, upon request, any member of the bar by the Court.

In the event that the Court orders a dissolution of the fund, a terminal audit or inspection will be performed and a written accounting rendered to the Court.

G. Protection of the Fund's Assets

Except as otherwise provided in the plan, all receipts will be deposited in banks or savings institutions where accounts are insured by F.D.I.C. or F.S.L.I.C. Where practical and feasible the custodian shall place any substantial sums into interest bearing accounts, government securities, or a money market fund invested in government obligations. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the custodian must be segregated from all other monies in the custody of the Clerk of the Court, including other non-appropriated funds, if any.

H. Limitations on Use of Funds

Monies deposited in the fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any Court officer or employee.

I. Uses of the Funds

Monies deposited in the fund are to be used for the benefit of the bench and bar and the administration of justice. Among the permitted uses of the fund are the following:

- (1) the expenses related to attorney admission proceedings;
- (2) the expenses related to attorney disciplinary proceedings;
- (3) the expenses incurred by the custodian in performing his/her duties under the plan including the expense of a surety bond covering monies in the fund;
- (4) the fees for services rendered by outside auditors or inspectors in auditing or inspecting the records of the fund;
- (5) such other expenses as may from time to time be authorized, including meetings, ceremonial occasions, awards, and scholarship grants.

J. Dissolution of the Fund

Should the Court decide to dissolve the fund, the custodian will liquidate all outstanding obligations prior to the dissolution, including making provisions for the payment of any fees and expenses resulting from the required terminal audit or inspections. The Court will direct the disposition of the assets of the fund in ways which fulfill the purpose of the fund.

APPENDIX A. LOCAL RULE 4.5 SUPPLEMENT †

(A) Filing Fees--New Civil Action.

- (1) The filing fee for a complaint is \$150.00.*
- (2) The filing fee for a notice of removal is \$150.00.*
- (3) The filing fee for an application for writ of habeas corpus is \$5.00.

(B) Miscellaneous Fees.

(1) The fee for a notice of appeal is \$5.00. The fee for docketing a case on appeal is \$100.00. These fees are payable to the Clerk of the District Court at the time of filing of the notice of appeal and may be paid in a single check.

(2) The fee for filing or indexing any miscellaneous matter or paper not in a case or proceeding for which a case filing fee has been paid is \$20.00.

(3) The fee for a search of the records conducted by the clerk or a deputy clerk is \$15.00.

(4) The fee for certifying any document or paper, whether the certification is made directly on the document or by separate instrument, is \$5.00. The fee for exemplification of any document or paper is twice the amount of the fee for certification.**

(5) The fee for reproducing (copying) any document is \$.50 per page.

(6) The fee for reproducing a magnetic tape recording is \$15.00.

(7) The fee for each microfiche sheet of film or microfilm jacket copy of any court record, where available, is \$3.00.

(8) The fee for retrieving a record from the Federal Records Center is \$25.00.

(9) The fee for an appeal to a district judge from a judgment of conviction by a magistrate in a misdemeanor case is \$25.00.

(10) The fee for original admission to practice before this court is \$100.00 each, including a certificate of admission.*** The fee for a duplicate certificate of admission or certificate of good standing is \$15.00.* The fee for filing a motion for leave to appear and practice in a particular case in the District of Massachusetts is \$50.00.***

(11) The fee to a payor for any check paid into the court which is returned for lack of funds is \$25.00.

Effective September 1, 1990.

** Amended effective December 18, 1996.*

*** Amended effective January 1, 1998*

**** Amended effective June 1, 1998.*

**† For the current version of the Fee Schedule refer to the Court's website:
www.mad.uscourts.gov**