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.

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 Civil LR 11-1(d) and 11-3(d).
C. All income derived from the sources described in II A and B, above.

These funds collectively are referred to herein as "non-appropriated funds" or "the Fund."

III. Fund Custodian

The Clerk of the Court is hereby appointed custodian of the Fund. The Clerk 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. Ensure 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. Ensure that a budget is prepared and regularly maintained, based on spending and commitment decisions;
E. Invest funds in federally insured interest bearing accounts, government securities or money market funds invested in government obligations;
F. 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, in accordance with The Guide to Judiciary Policy, Vol 13 § 1220. Its uses may 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 the annual Northern District Judicial Conference and costs associated with the court's participation in the annual Ninth Circuit Judicial Conference, including, but not limited to: site fees; public service awards; lodging and meals for speakers and presenters; subsidized lodging; meals and participation fees for government and public interest attorneys; and signage and printed and digital conference materials;
H. Providing adequate facilities for attorneys practicing in the court;
I. Covering costs of special projects or acquisitions to further the administration of justice within the district including, without limitation, providing assistance to litigants without counsel and disseminating information about court proceedings.

V. Administration of the Fund

The Fund shall be administered by a Court Non-Appropriated Fund Committee appointed by the Chief Judge, consisting of the Chief Judge, ex officio, a chairperson and four other judicial officers, at least one of whom shall be from the San Jose division, and one of whom shall be from the Oakland Division. This 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 to the Court on proposed expenditures from the Fund.

The chairperson (or, in the chairperson's absence, the Chief Judge) shall have the authority to approve individual disbursements not exceeding $5,000. The Committee, or a majority thereof, shall have the authority to approve individual disbursements not exceeding $25,000. All expenditures in excess of $25,000 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 recommend to the Committee uses for non-appropriated funds.

When non-appropriated funds are administered by a grantee (such as, for example, the court's Lawyer Representatives in connection with the annual Northern District Judicial Conference), the grantee must submit to the Non-Appropriated Fund Committee an accounting of the expenses paid for with non-appropriated funds and shall provide such

supporting documentation as the court requests. Such accounting should be submitted as soon as practicable after the non-appropriated funds at issue are spent. Unless otherwise provided in the grant, every grantee with custody of non-appropriated funds for a period greater than ninety (90) days shall submit a quarterly accounting of the funds and a status report on the project or program for which the non-appropriated funds were granted.

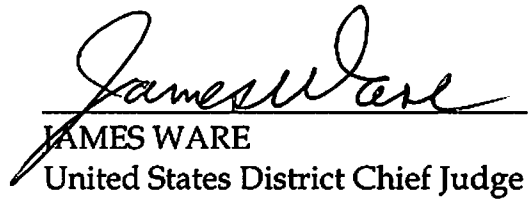
From time to time, if the Chief Judge determines that the Court or the Non-Appropriated fund Committee would benefit from advice from members of the bar with respect to particular matters of policy or administration of the Fund, the Chief Judge may appoint a Non-Appropriated Fund Advisory Committee. The Advisory Committee shall be composed of five members of the bar. One member shall be the president of the Federal Bar Association for the Northern District of California. The Chief Judge shall designate the terms of the members of the Advisory Committee and the particular matter for which the Advisory Committee's advice is sought.

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; and the Clerk as part of the court's annual internal audit. 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
AMENDED: September 19, 2006
AMENDED: November 28, 2006
AMENDED: December 14, 2010
AMENDED: May 18, 2011

FOR THE COURT:



JAMES WARE
United States District Chief Judge