

Federal Bar Dues - How the Money is Used

As it does every year, the United States District Court for the District of New Mexico recently posted a notice in the New Mexico State Bar Bulletin reminding members that federal bar dues of \$25 must be paid on or before January 31 (pursuant to D.N.M.LR-Civ. 83.2(c)). This year, approximately 45% of all attorneys admitted to practice in federal court will remain active members of the federal bar by paying annual dues. The following provides some background and information regarding how the money is used.

On September 25, 1981, the Judicial Conference of the United States approved certain guidelines for the use and management of attorney admission fees. Local district courts were authorized to collect fees from attorneys beyond the standard admission fees set by the Judicial Conference, as long as the fees were managed by the court and used for "the benefit of bench and bar in the administration of justice." Guide to Judiciary Policies and Procedures, Vol. I, Chap. VII, Part M, Sec. 2. (The Guide is the official medium by which guidance and information is provided to the Judiciary in support of its day-to-day operations.) The Judicial Conference further stated that these fees should not be used to supplement appropriated funds or to supplement the salary of any court officer or employee. Examples of common uses of the fees might include:

- Attorney admission proceedings (including expenses of admissions committees, admissions ceremonies);
- Attorney discipline proceedings;
- Periodicals and publications for court library for which appropriated funds are not available;
- Charts and stands for courtroom use;
- Computerization of library catalog;
- Lawyer lounge facilities, telephone services and office equipment;
- Continuing legal education (CLE) programs;
- Law Day programs;
- Non-cash awards and commendations for members of the bar;
- Educational programs for law students;
- Surety bond for custodian of the fund; and
- Other purposes for which appropriated funds are not available that will benefit the bench and the bar in the administration of justice. (See below.)

As a result of these Judicial Conference guidelines, many courts throughout the federal judiciary established a Bench and Bar fund to support a variety of services for their members.

Before Robert M. March became Clerk of Court for the District of New Mexico in 1990, he was Clerk of Court for the Southern District of Florida, at which a Bench and Bar Fund had been established. In addition to CLE and other training seminars, the fund for the Southern District of Florida was used to bring together judges and attorneys at relaxed, non-court functions. Mr. March wanted to create a similar

atmosphere in New Mexico, and his positive experiences with the Bench and Bar Fund in Florida motivated him to encourage the court in the District of New Mexico to establish a similar program.

Consequently, on January 25, 1991, the district judges for the District of New Mexico signed an Administrative Order establishing a Federal Bench and Bar Fund. The Court then appointed an advisory committee consisting of the Clerk of Court and four admitted members of the federal bar to oversee the appropriation and disbursement of funds. The Bench and Bar Fund is also audited yearly by an independent auditing firm; fees for services rendered by outside auditors are paid from the fund.

Any active member of the Bar of the United States District Court for the District of New Mexico, as well as federal district judges, magistrate judges, and the federal district court clerk, may request funds for use for the benefit of the bench and bar in the administration of justice. A written request must be submitted to the Clerk's Office; the request is then forwarded to the active district judges for approval. Any request up to \$2,000 can be approved by the Chief Judge. Any request over \$2,000 must be approved by all of the active district judges. Once approved, the signed request is forwarded to the Bench and Bar Fund Committee for a recommendation. If the committee recommends the request, it is returned to the Clerk's Office for funding. Current uses of fund monies include: 1) lawyer lounge facilities, telephone services and office equipment; 2) continuing legal education programs; 3) educational programs for law students; and, 4) a surety bond for the custodian of the fund; some of these uses as well as others are described below.

Since establishment of the Federal Bench and Bar Fund, dozens of CLE seminars and conferences, including the Border Courts Conference in Las Cruces, have been sponsored. Funds are used to compensate speakers and pay for travel expenses and conference sites. Additionally, bench and bar funds have been used to print training manuals and handbooks for use in courses on electronic filing and electronic access to court records for which CLE credit can be earned. The manuals and handbooks are provided at no charge to attorneys, attorney staff members, and law students.

Shortly after the Federal Bench and Bar Fund was established, funds were used to install an attorney lounge for federal bar members at the Dennis Chavez Federal Building and United States Courthouse at 500 Gold in Albuquerque. In 1998, when the Court moved to the new courthouse at 333 Lomas, the Federal Bench and Bar Fund was used to establish an attorney lounge there. The lounge serves as a welcome retreat within the courthouse for bar members; it is equipped with a photocopier, fax machine, computer, a small refrigerator, and a coffee maker. The Federal Bench and Bar Fund has also supplemented procurement of attorney court identification cards, expediting attorney access to the federal courthouses.

In 2000, the Federal Bench and Bar Fund was used to purchase document scanners for a batch scanning project (see Table 1) established in connection with the Court's Advanced Court Engineering (ACE), or electronic filing, project. With ACE, many documents were being electronically filed, but most were still being manually filed, and only e-filed documents were available for online viewing. The purpose of the scanning project was to provide online access to manually filed documents as well. With the addition

of "batch" scanners at each of the Court's divisional offices, Clerk's Office staff could quickly scan large volumes of manually filed documents. As a result, both e-filed and manually filed documents are available for online viewing, creating a virtual records department, open for business 24 hours a day, 7 days a week. To date, over 150,000 documents have been scanned using equipment purchased with Federal Bench and Bar funds.

The Federal Bench and Bar Fund has also traditionally been used to commission portraits of United States District Judges who have served the District of New Mexico. Portraits hanging in the Rio Grande Courtroom at the United States Courthouse in Albuquerque are of Judges Hatch, Rogers, Payne, Bratton, Mechem, and Burciaga. In 2001, portraits of former U. S. District Judge Bobby L. Baldock, now Senior United States Circuit Judge, and Senior U. S. District Judge John Edwards Conway were unveiled in a ceremony at the United States Courthouse in Albuquerque (see Table 1); those portraits are also displayed in the Rio Grande Courtroom. Displayed at the federal courthouse in Santa Fe are the portraits of Judges Neblett and Campos.

In 2001, the federal bar sponsored a function at which former U. S. Attorney General Janet Reno was the keynote speaker; Bench and Bar funds were used to pay her fees. Bench and Bar funds were also used in 2001 and 2002 for receptions honoring newly appointed U. S. District Judges M. Christina Armijo and William P. Johnson, and U. S. Circuit Judge Harris L Hartz (see Table 1). A ceremony and reception in memory of Senior U. S. District Judge Howard C. Bratton was also supported by the Federal Bench and Bar Fund.

In an effort to improve administration of the Federal Bench and Bar Fund and to provide a broader range of services to its members, the U. S. District Court is requesting comment from all active federal bar members via a questionnaire (posted on the Court's web site at www.nmcourt.fed.us). Your input is valuable, so please take the time to complete and return the questionnaire. If you have any questions regarding annual federal bar dues or the Federal Bench and Bar Fund, please feel free to contact Marte Adams, Chief, Judicial Operations, at 348-2012.

Purpose for Expenditure	Amount for 2000	Amount for 2001	Amount for 2002
CLE Training/Conferences/Speakers	\$19,243.51	\$20,750.00	\$4,855.58
Scanning Equipment/Other Equipment & Maintenance	\$135,995.07	\$1,073.33	\$9,370.31
Portraits/Photographs	\$6,371.25	\$10,339.52	\$1,104.57
Judge/Attorney Receptions		\$4,875.01	\$16,649.78

Table 1 - Largest Expenditures from the Federal Bench and Bar Fund for the last three years.