

**ADDENDUM TO STANDING ORDER  
IN THE MATTER OF:  
COURT REGISTRY FUNDS**

**AMENDED ORDER ADOPTING GUIDELINES  
FOR THE DEPOSIT OF REGISTRY FUNDS  
DATED: JUNE 12, 1989**

Effective December 1, 1990, a notice was published in the Federal Register, Vol. 55, No. 206, October 24, 1990, informing the general public of a revision of the method of applying the Registry Fund Fee. A copy of this Notice is attached hereto and made a part hereof.

The Standing Order dated June 12, 1989, is amended in part on Page 2, Item 11, Second Paragraph as follows:

The registry fee assessment provisions published in the Federal Register, May 11, 1989 (54 FR 20-407), are hereby revised and converted from a one-time charge equal to all income earned in the first 45 days of the investment, to a charge of 10 percent of the income earned while funds are held in the court's registry.

Additionally, due to the practice of some courts of authorizing the investment of funds deposited with the court in proceedings beyond the scope of Rule 67 Fed. Rules of Civ. Proc. and, in recognition of the value to the litigants and obligation of the court to manage such funds, the fee is being extended to any funds placed into the court's registry and invested regardless of the nature of the action underlying the deposit.

DONE this the 1st day of December, 1990.

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/s/  
ALEX T. HOWARD, JR.,  
CHIEF JUDGE

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/s/  
CHARLES R. BUTLER, JR.,  
DISTRICT JUDGE

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/s/  
RICHARD W. VOLLMER, JR.  
DISTRICT JUDGE



# Notices

Federal Register

Vol. 54, No. 90

Thursday, May 11, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations at authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## UNITED STATES COURTS ADMINISTRATIVE OFFICE

### Fees and Costs

**AGENCY:** Administrative Office of the United States Courts.

**ACTION:** Amendment to the Fee schedules for the United States Courts of Appeals, District, and Bankruptcy Courts published in the United States Code at 28 U.S.C. 1913, 1914, and 1930 respectively.

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**SUMMARY:** This notice is to inform all interested parties that each clerk of court, whose fee schedules are set by the Judicial Conference of the United States under the authority of 28 U.S.C. 1913, 1914, and 1930, will assess a fee for the handling of all funds deposited in noncriminal proceedings with the court and held in interest bearing accounts or instruments pursuant to 28 U.S.C. 2041 and Rule 67 of the Federal Rules of Civil Procedure. The fee will be equal to the first 45 days income earned on each deposit into the court's registry.

**EFFECTIVE DATE:** June 12, 1989.

**ADDRESS:** Direct any inquiries to: Assistant Accounting Officer, Accounting Branch, Financial Management Division, Administrative Office of the United States Court, 1120 Vermont Avenue NW., Washington, DC 20544.

designated financial institutions in the name and to the credit of the court. These monies are commonly referred to as "registry funds." Under Rule 67 of the Federal Rules of Civil Procedure funds may be placed into interest bearing accounts or instruments during the pendency of a case or proceeding.

The Judicial Conference of the United States, at its meeting in September 1988, authorized an amendment to the miscellaneous fee schedules for the appellate, district, and bankruptcy courts. The amendment authorizes clerks to assess a fee of up to three percent, not exceeding the interest earned, for the handling of registry funds, in accordance with a detailed schedule issued by the Director of the Administrative Office of the U.S. Courts. The Director has been given the discretion to exempt certain items from fees and to impose a fee at any lower level should he deem it appropriate.

The Judiciary Appropriation Act for Fiscal Year 1989 (Pub.L 100-159) established a special fund in the U.S. Treasury for the fees imposed for handling registry funds, which will be available for use by the Judiciary.

The Director of the Administrative Office commissioned a study of financial institutions and state court systems to determine how similar funds held in custodial or trust accounts by those organizations are handled and the amount and manner in which fees (if any) are assessed. These studies in addition to a similar study of court fees in general conducted by the Conference of State Court Administrators in 1986, and a study of Judiciary fee bills enacted since 1853 serve as support for the establishment of this fee and the methodology employed in its application.

### Application

in the same case or proceeding in which other deposits have been made, will be subject to the fee. However, reinvestment of previously deposited principal will not be subject to the fee.

For existing accounts, *i.e.* those investments held by the court on the day prior to the effective date of the fee, a fee will be assessed equal to the first 45 days of income earned on such existing accounts, beginning 30 days after the effective date of the fee. As discussed above, subsequent deposits of new principal in the same account will be subject to the fee. Subsequent reinvestment of existing deposits will not be subject to the fee.

The fee will apply only once to each sum deposited regardless of the length of the time actually held in the registry and will not exceed the income actually earned on the account.

The fee does not apply in the District Courts of Guam, Northern Mariana Islands, the Virgin Islands, the United States Claims Court or other courts whose fees are not set under the statutes cited above.

The fee will be deducted at the time the income is credited to the account.

As with other miscellaneous fees authorized under 28 U.S.C. 1913, 1914, and 1930, this fee may be taxed as costs by the court pursuant to 28 U.S.C. 1920. In cases where the U.S. Government is a party to the action underlying the registry investment, the funds initially withheld in payment of the registry fee may be restored to the United States upon application filed with the court by the United States Attorney or other Government counsel.

The 45 day period scheduled herein is subject to review and adjustment from time to time by the Director of the Administrative Office.

**L. Ralph Mecham,**  
*Director.*

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8:45 am]

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