

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**

RE: ORDER REGARDING DEPOSIT AND INVESTMENT OF REGISTRY FUNDS

GENERAL ORDER NO. 44

The Court, has determined that it is necessary to adopt local procedures to ensure uniformity in the deposit and investment of funds in the Court's registry.

IT IS ORDERED that **EFFECTIVE OCTOBER 1, 2014**, the following will govern the receipt, deposit, investment and distribution of registry funds:

I. Receipt of Funds

- A. No money will be sent to the Court or its officers for deposit in the Court's registry without an order signed by the presiding judge in the case or proceeding.
- B. The party making the deposit or transferring funds to the Court's registry will deliver a copy of the order permitting the deposit or transfer to the clerk's office.
- C. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated will be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

II. Investment of Registry Funds

- A. When the Court orders that funds, on deposit with the Court's registry, be placed in an interest-bearing account, the Court Registry Investment System (CRIS),

administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, will be the only investment mechanism authorized.

- B. The Director of the Administrative Office of the United States Courts is designated as custodian for CRIS. The Director or Director's designee will perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.
- C. Money from each case deposited in the CRIS will be "pooled" together with those on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principals of the CRIS Investment Policy as approved by the Registry Monitoring Group.
- D. An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from CRIS fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

III. Deduction of Fees

- A. The custodian is authorized and directed by this Order to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.
- B. The investment services fee is assessed from interest earnings to the pool according to the Court's Miscellaneous Fee Schedule and is to be assessed before a pro rata distribution of earnings to court cases.
- C. The registry fee is accessed by the custodian from each case's pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

IV. Distribution of Funds

- A. Pursuant to 28 U.S.C. § 2042, no funds deposited in the Court's registry will be withdrawn except by order of the Court. An order disbursing interest-bearing registry funds should provide the following:
 - (1) the amount or amounts of principal to be disbursed;
 - (2) the percentage of accrued interest payable with each principal amount;
 - (3) the exact name each disbursement check should be made payable; and
 - (4) full mailing instructions for each disbursement check, including full street address and zip code.
- B. The social security number or tax ID number of each recipient of the accrued interest will be provided to the Financial Department of the Clerk's Office on a completed and signed IRS W-9 form. Disbursement of funds will not be made until all

applicable W-9 forms in the case are received. The Clerk will prepare and file IRS form 1099-INT with the IRS, pursuant to I.R.S. Rule 76-50.

V. Transition From Former Investment Procedure

- A. Registry funds deposited in interest-bearing accounts in a financial institution insured by the FDIC prior to the entry of this Order will remain deposited in the interest bearing account, pending an order of disbursement.
- B. Upon order of the Court, registry funds currently deposited in interest-bearing accounts in a financial institution insured by FDIC will be transferred to the CRIS.

Dated this 26th day of August 2014.



HONORABLE P. K. HOLMES, III
CHIEF UNITED STATES DISTRICT JUDGE

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

AUG 26 2014

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk