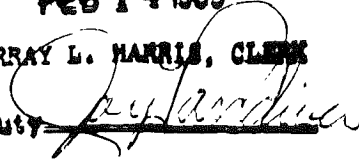


GENERAL ORDER NO. 89-5

FEB 14 1989

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MURRAY L. HARRIS, CLERK
By 
Deputy

GENERAL ORDER REQUIRING REFUND OF ASSESSMENT OF
FEES FOR ADMINISTRATION OF REGISTRY FUNDS DEPOSITED
IN INTEREST BEARING ACCOUNTS

In accordance with a memorandum from L. Ralph Mecham,
Director of the Administrative Office of the United States
Courts, dated February 8, 1989, a copy of which is attached
hereto, it is

ORDERED that, effective on such date, imposition of the fee
on registry funds, established at an annual 1.5 percent rate by
virtue of a memorandum from such Director of November 30, 1988,
shall be, and it is hereby, SUSPENDED; and it is further

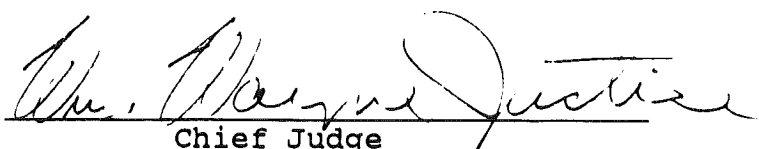
ORDERED that all of such fees which have been heretofore
collected shall, in accordance with the memorandum of February 8,
1989, referred to above, be refunded to the parties paying them;
and it is further

ORDERED that the Clerk, in connection with such refunds,
shall follow the procedures outlined in the third paragraph of
the memorandum of February 8, 1989.

SIGNED February 14, 1989, for the Court.

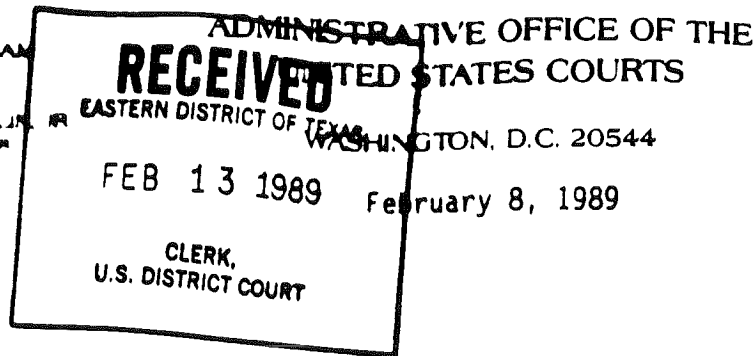
A TRUE COPY I CERTIFY
MURRAY L. HARRIS, CLERK
U. S. DISTRICT COURT
EASTERN DISTRICT, TEXAS

BY: 


Chief Judge

L. RALPH MECHAN
DIRECTOR

JAMES E. MACKEJ
DEPUTY DIRECTOR



DATE

RCVD: _____

MLH _____ ✓

FLM _____ ✓

COPIES TO:

JUDGES

MAGISTRATES

DEPUTIES IN CHARGE

FINANCE OFFICER

OTHER

Distrib 2-13-89

MEMORANDUM TO ALL CHIEF JUDGES, UNITED STATES COURTS

SUBJECT: Suspension of Registry Fee Assessment for Administration of
Interest Bearing Accounts

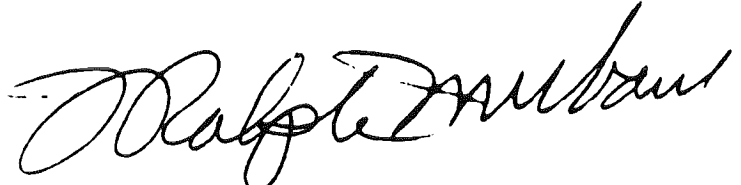
In September 1988, the Judicial Conference approved the imposition of a fee of up to 3 percent on registry funds administered by the courts. Subsequently, this authority was enacted in the Judiciary's Fiscal Year 1989 appropriations statute. My memorandum of November 30, 1988 established the fee at an annual 1.5 percent rate.

Several judges have objected to the application of the fee to all registry funds held as of the beginning of the fiscal year and, more generally, to the method of implementation. Objections were raised by several clerks as to the difficulties experienced by their financial deputies in computing the fee in accordance with instructions contained in my memorandum of November 30, 1988. Objections were also received from the public over the retroactive application of the fee and the lack of prior notice. In view of these objections and concerns, I have decided to suspend, effective immediately, imposition of the fee pending the completion of a more detailed study and analysis and changes in the activity designed to satisfy the objections which have been raised.

Fees which have been collected to date should be refunded to the parties paying them. This can be done by district court clerks transferring the fees collected from CAN 406 to the Registry Fund CAN 200 on an AO 283 and restoring them to the case balances. Bankruptcy court clerks will receive a check from the Administrative Office upon submission to the Administrative Office of an SF 1166 payable to them as clerks for all fees credited to CAN 406 prior to receipt of this memorandum. The check will be receipted back into the clearing account used by the bankruptcy clerk and distributed to the case balances from which the fees were obtained. In those cases which have been closed, payment to the parties should be initiated.

We regret inconveniences created by this action. We continue to believe that the fee is justifiable and reasonable and we agree that the issue is in need of further analysis.

When the fees are to be reinstated, we will announce our intentions to the general public in the Federal Register and provide interested parties 30 days notice prior to its effective date.

A handwritten signature in black ink, appearing to read "L. Ralph Mecham". The signature is fluid and cursive, with the first name "L." and last name "Mecham" clearly legible.

L. Ralph Mecham

cc: Clerks, United States Courts