

Civ. RULE 67.1 DEPOSIT IN COURT

(a) Deposit in Court Pursuant to Fed. R. Civ. P. 67

(1) Receipt of Funds

(A) No money shall be sent to the Court or its officers for deposit into the Court's Registry without a court order by the Judge assigned to the case.

(B) Unless otherwise directed, all registry funds ordered to be paid into Court or received by its officers in any case pending or adjudicated shall 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.

(C) The party or attorney making the deposit or transferring funds to the Court's Registry shall personally serve the order permitting the deposit or transfer on the Clerk, the Chief Deputy Clerk or the Chief Financial Deputy Clerk. Failure to personally serve a copy of the order to invest shall release the Clerk and any Deputy Clerk from any liability for the loss of interest which could have been earned on the funds.

(2) Orders Directing Investment of Registry Funds by Clerk

(A) Where, by stipulation of the parties and approval of the Court, funds on deposit with the Court are to be placed in some interest-bearing form, the Court Registry Investment System (C.R.I.S.) administered through the United States District Court for the Southern District of Texas shall be the investment mechanism authorized. (See Form of Required Order at Appendix D).

(B) Funds deposited in each case under C.R.I.S. will be "pooled" together with those on deposit with the Treasury to the credit of other courts in the C.R.I.S. and used to purchase Treasury Securities which will be held at the Federal Reserve Bank of Dallas/Houston Branch, in a safekeeping, interest-bearing account in the name and to the credit of the Clerk of the United States District Court for the Southern District of Texas, hereby designated Custodian for the C.R.I.S. for this District Court.

(C) An account for each case will be established in the C.R.I.S. titled in the name of the case giving rise to the investment in the system. Income received from fund investments will be distributed to each case based on the ratio which each account's principal and income has to the aggregate principal and income total in the fund each week. Weekly reports showing the income earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in C.R.I.S. and made available to counsel on request.

(3) Registry Investment Fee

(A) The custodian shall deduct a miscellaneous schedule fee for the handling of those registry funds invested in interest-bearing accounts, as authorized by the Judicial Conference of the United States and by Standing Order of this Court dated June 30, 1989, as amended November

30, 1990, of 10% of the income earned on an account and any subsequent deposit of new principal while invested in the C.R.I.S.

(B) No additional fee shall be assessed with respect to investments for which a fee has already been deducted prior to the establishment of C.R.I.S. in this District.

(4) Transition from Former Investment Procedure

(A) The Clerk is directed to develop a systematic method of redemption of all existing investments and their transfer to C.R.I.S.

(B) Parties not wishing to transfer existing investment instruments into C.R.I.S. may seek leave to transfer them to the litigants or their designees on motion and approval by order of the Judge assigned to a specific case.

(b) Orders Relating to the Disbursement of Court Funds

(1) Before any proposed order for disbursement of monies from the Registry of the Court is submitted to or considered by a Judge, the order first shall be approved as to form and content by the Clerk and contain the Clerk's endorsement thereon.

(2) The Clerk will not calculate interest on court registry funds invested in interest bearing accounts whenever accrued interest is to be apportioned between parties or partial payments are to be made from the investment. Counsel of record for a prevailing party(ies) shall consult with the Clerk to ascertain the amount of interest accrued to date before applying (preferably by consent) to the Court for an order to disburse funds, including interest, from the Court's Registry.

(3) The Clerk shall deduct a miscellaneous schedule fee for the handling of those registry funds invested in interest bearing accounts, as authorized by the Judicial Conference of the United States and by Standing Order of this Court dated June 30, 1989, as amended November 30, 1990, of 10% of the income earned on an account and any subsequent deposit of new principal while invested in the Court's Registry.

(4) All disbursement orders shall provide for the signature of the Clerk in addition to that of the Judge, and shall state the following: "I recommend approval of the above order and declare that no lien or other claim against monies deposited in the Registry of the Court in this matter is on file in my office as of this date."

(date)

(Clerk)

(5) Failure of a party to personally serve the proposed order provided in L.Civ.R. 67.1(b)(1) upon the Clerk, Chief Deputy Clerk, Deputy-in-Charge, or Chief Financial Deputy shall relieve the Clerk from any liability for any lien on or other claim against the monies on deposit.

Source: L.Civ.R. 67.1(a) - G.R. 35.E.; L.Civ.R. 67.1(b) - G.R. 35.F.