

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

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In Re:

CONTINUED OPERATION OF THE)
UNITED STATES DISTRICT COURT)
FOR THE MIDDLE DISTRICT)
OF TENNESSEE IN THE ABSENCE)
OF AN APPROPRIATION BILL OR)
CONTINUING RESOLUTION BY THE)
UNITED STATES CONGRESS)

Administrative Order No. 82

In the event that an appropriations bill or continuing resolution funding the operations of the United States Courts is not passed by Congress and signed by the President prior to the expiration of the current continuing resolution funding the United States Courts, which expires on or about midnight, April 8, 2011, or in the event that there is a lapse in funding regardless of the reason, this Order shall take effect. Pursuant to the direction of the Administrative Office of the Courts, funding from fee revenues will be provided to the Court for approximately ten (10) days following any lapse in appropriations.

I. CONTINUATION OF ARTICLE III DUTIES.

The United States District Court for the Middle District of Tennessee shall continue to perform its constitutional duty to hear and decide cases without interruption. All sessions of the Court will be held in accordance with the Court's previously adopted schedule, and special sessions may be scheduled as necessary during any such lapse in appropriations. All cases shall continue to be processed according to normal schedules and priorities.

II. OPERATING DISTRICT COURTS DURING A LAPSE IN APPROPRIATIONS.

A. Retention of Personnel.

The guidelines governing the operation of United States Courts without appropriations are set forth in the *Guide to Judiciary Policy*, Vol. 13, Finance and Budget, Ch. 2 §§ 220.30, *et seq.* These guidelines leave the actual decisions for retention of personnel to each court, and each court is to exercise its discretion in deciding which court-related activities are sufficiently related to the performance of Article III duties to be continued during an appropriation lapse. Personnel activities not related to the support of Article III functions, particularly the disposition of cases, are to be suspended unless they are deemed by the Chief Judge to be essential to the Court's overall operation.

B. Designation of Court Staff as Essential Personnel.

Based on the foregoing exercise of discretion by the Court, it is hereby determined that all Court support employees of the United States District Court for the Middle District of Tennessee, including all employees of the Office of the Clerk of the District Court, all employees of the Probation Unit and the Pretrial Services Unit, all Official Court Reporters, and all Staff Attorneys are hereby deemed to be essential personnel for the continued operation of the District Court and are hereby declared to be such. It is therefore,

ORDERED that all Court support employees of the United States District Court for the Middle District of Tennessee shall report for duty as normally scheduled and that all regular operations in support of the judicial function shall continue until further Order of the Court. In the event of an extended lapse in appropriations for the Judiciary, the level of necessary staff and operations will be reviewed on a periodic basis and may be subject to further Order, including subsequent designations of which Court employees will be considered to be essential personnel and which, if any, might be deemed as non-essential and subject to being furloughed.

III. DISTRICT JUDGES AND THEIR STAFF.

In accordance with the above Guidelines for operating United States Courts in the absence of appropriations, each District Judge shall determine the necessary level of service of chambers support staff and designate which chambers employees will be considered as essential personnel and which, if any, will be subject to furlough.

IV. MAGISTRATE JUDGES AND THEIR STAFF.

In accordance with the above Guidelines, the Court hereby determines that the Magistrate Judges and their staffs are needed to continue performance of Article III functions. Magistrate Judges shall continue to perform all routine judicial duties normally handled by them.

V. RESTRICTIONS ON EXPENDITURES NOT RELATED TO THE RESOLUTION OF CASES OR OTHERWISE ABSOLUTELY NECESSARY.

During any lapse in funding for the Judiciary, no new personnel shall be hired and no new obligations, such as acquisition of equipment, shall be made unless absolutely essential to the resolution of cases and controversies and unless expressly authorized by the Chief Judge. Travel and other miscellaneous expenses utilizing appropriated funds, other than those necessary to hear cases, shall be avoided unless absolutely necessary and approved by the Chief Judge.

VI. CONTINUED FACILITIES AND SECURITY OPERATIONS.

The Clerk of Court shall work with the General Services Administration to provide to the Court the necessary level of services and building maintenance and shall ensure that all Court facilities are kept open for regular hours plus any extended hours while Court is in session, and

that routine services, utilities, ingress and egress, general building operations as they affect the Court and Court staff, and garage parking are available without interruption.

The Clerk of Court shall also work with the United States Marshals Service, the Federal Protective Service and other security providers to maintain all functions necessary for the appropriate security of all Judges and Court employees and for the safe use of all United States District Court facilities within the District.

The Court shall continue to operate its website to serve the public and post notices regarding Court operations.

The Clerk of Court is directed to provide this Order to the U.S. Attorney, Federal Public Defender, U.S. Marshal and the General Services Administration. This Order shall also be posted on the Court's Website.

VII. JURORS.

Petit and Grand Jurors shall continue to be summoned by the Court and shall continue to perform their normal duties. Petit and Grand Jurors shall be paid at the usual and customary rate as provided by law.

VIII. LAWYERS IN CRIMINAL CASES.

All Assistant U.S. Attorneys, Federal Public Defenders and CJA appointed counsel shall appear at all court hearings in which they are counsel of record.

IT IS SO ORDERED.



TODD J. CAMPBELL
CHIEF U.S. DISTRICT JUDGE