

RULE 83.5.3 REGISTRATION OF ATTORNEYS

(a) Annual Registration.

(1) In General. All attorneys admitted to the practice of law before this court, except as set out in paragraphs (b) and (c) below, must annually—on or before the first day of July—register with the clerk on such forms as the clerk prescribes.

(2) CLE Certification and Local Rules Familiarization. As a part of the registration form, the registrant must certify that during the 12-month period immediately preceding the date of registration,

(A) he or she has earned at least the minimum number of credit hours required by the Rules of the Supreme Court of Kansas relating to continuing legal education; and

(B) he or she has read and is familiar with these local rules.

(3) Reciprocal Admission. If admitted to practice before this court solely because of admission to the United States District Court for the Western District of Missouri, the registrant must certify that he or she has earned the minimum number of credit hours required by the rules of the Missouri Supreme Court and the Western District of Missouri related to continuing legal education.

(4) Annual Fees. At the time of each registration, the registrant, if not excused by these rules from payment, must pay an annual fee in such amount as the court orders for the ensuing 12month period.

(5) Registration Card. The clerk will issue to each attorney duly registered hereunder a registration card on a form approved by the court.

(b) Exemption From Fees.

(1) State Court Judges and Federal Court Employees. State court judges who are barred by law or rule from the practice of law and federal court employees who do not actively practice before the court are exempt from payment of the registration fee.

(2) Attorneys Appearing Pro Hac Vice. Attorneys appearing pro hac vice are not required to pay the annual registration fee.

(3) Newly-Admitted Attorneys. No registration fee will be charged to any attorney newly admitted to this court after January 1 for the first registration period following such admission. Where an attorney newly admitted to the court pays the registration fee for the period in which the attorney is exempt and wishes to be refunded, the attorney must initiate a refund by requesting it in writing.

(c) Retired and Inactive Attorneys. An attorney who has retired from or is no longer engaged in the practice of law in this court may so notify the clerk in writing. An attorney filing such notice is thereafter ineligible to practice in this court until reinstated under such terms as the court directs. During any period of retirement or inactive status under this rule, the retired or inactive attorney need not pay the annual registration fee.

(d) Non-Appropriated Fund. The court maintains a non-appropriated fund derived from attorney registration fees in accordance with Volume 13, Chapter 12, of the Guide to Judiciary Policies and Procedures and in accordance with the Rules of Practice and Procedure for District and Bankruptcy Court for the District of Kansas.

(1) Fund Custodian. The clerk of the court is appointed as the fund custodian. The custodian will receive, safeguard, deposit, disburse, and account for all funds. The custodian will ensure the financial statements and reports are prepared in a timely manner to meet the needs of the court.

(2) Fund Management. All receipts will be deposited in federally insured banks or savings institutions and whenever feasible, will be placed in interest-bearing accounts. Funds must be segregated from all other monies in the court's custody, including other non-appropriated funds.

(3) Audits. The Administrative Office of the U.S. Courts or court-appointed outside auditors may perform audits. The written results of the audits will be provided to the court. Costs for outside audits will be paid by the fund. Annual audits will be performed for the fiscal year, October 1 through September 30.

(4) Budget. At the beginning of each fiscal year, the court will approve a budget for the year that forecasts fund income and expenses. The court-approved budget will serve as authorization for the custodian to spend monies for categories listed on the budget. The custodian is allowed to exceed budgeted amounts by no more than 10%. A majority of the judges must approve expenditures beyond the 10% variance.

(5) Items Outside the Budget. For items not covered by the annual budget, the chief judge may issue an order of approval that disburses funds for expenditures not exceeding \$1,000. For items exceeding \$1,000 not covered by the annual budget, a majority of the judges must approve the order of approval issued by the chief judge.

(6) Calculation of Registration Fee. During the first 3 months of each calendar year, the judges will examine the accounts of the trustee of the fund, and fix the registration fee for the next annual registration of attorneys. In fixing the fee, the judges will consider the amount on hand, the projected earnings from investments, and the probable expense of pending and anticipated proceedings.

(e) Disbursements. Disbursements from the Bar Registration and Disciplinary Fund are permitted only for the following purposes:

(1) To defray the expense of administering the registration and bar disciplinary procedures.

(2) As set forth in paragraph (f) of this rule, to reimburse court-appointed attorneys in civil cases for out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise ~~recoverable~~recovered in the action.

(3) To reimburse members of official committees appointed by the court, who may not be otherwise reimbursed, for their expenses incurred in attending meetings and performing the duties required of committee members. Applications for such reimbursements must be made on forms supplied by the clerk. The clerk may approve applications for amounts not to exceed \$300. The chief judge must also approve reimbursement for expenses exceeding \$300. Travel expenses will be paid from the fund in an amount not to exceed the same rates as official travel for federal employees. Claims will be allowed for actual expenses, not to exceed the rates in effect at the time of travel.

(4) To make such other expenditures the judges consider to be for the benefit of the court and bar.

(f) Reimbursement Procedures for Court-Appointed Counsel in Civil Cases.

(1) Allowable Expenses. Allowable expenses include items set out in 28 U.S.C. § 1920, fees for expert witnesses and other out-of-pocket expenditures that the attorneys are reasonably compelled to incur, that the client is not able to pay, and that are not otherwise ~~recoverable~~recovered in the action. Reimbursements must not include general office overhead or items and services of a personal nature.

(2) Reimbursement Procedure. To qualify for reimbursement, all expenditures in excess of \$500 for investigative expenses – for example, retrieval of medical records, employment records, and the like – must be approved in advance by the court. Before incurring any reimbursable expense, the attorney must:

(A) complete a reimbursement form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the judge to whom the case is assigned and, where required, by the chief judge.

(3) Who Must Approve Expenditures. The presiding judge may approve expenditures that total less than \$3,000 for the entire case. The chief judge must approve expenditures that reach or exceed \$3,000.

(4) Ex Parte Requests. Attorneys may request approval on an ex parte basis.

(5) Amount of Reimbursement. The clerk will reimburse attorneys such amount as the court approves.

(6) Any reimbursements paid from the Bar Fund must be repaid if money is recovered in the case, unless waived by the court.

(g) Suspension. The clerk will issue an order of suspension to any attorney who has failed to register as of October 1 of the registration year. Any attorney who continues to practice in this court while suspended will be subject to disciplinary procedures.

(h) Reinstatement. The court may reinstate an attorney who was suspended solely because of his or her failure to register or pay the annual registration fee upon:

(1) application;

(2) payment of a \$100 re-registration fee (except that the court may waive the fee for good cause); and

(3) payment of such additional amount as the court requires.

(i) Criminal Charges, Potential Criminal Charges, and Disciplinary Proceedings. Any member of the bar of this court who is charged in any court of the United States or of any state, territory, district, commonwealth, or possession of the United States with the commission of a felony or with unprofessional conduct must notify the clerk in writing within 14 days after service of process or notice to him or her of such charge. This subsection also applies to diversion agreements relating to criminal charges, potential criminal charges, or disciplinary proceedings.

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