

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**IN RE: LAPSE IN APPROPRIATIONS
PLAN**

**DISTRICT COURT GENERAL ORDER
2013-4**

In accord with the Anti-Deficiency Act, 31 U.S.C., §§ 1341 and 1342 and The Guide to Judiciary Policy, Volume 13, Ch.2, § 220.30, the Court has adopted the attached Lapse in Appropriations Plan.

IT IS ORDERED, that in accordance with the Lapse in Appropriations Plan, every current court employee is performing an essential function necessary to the court's constitutional duty to hear and decide cases without interruption. Accordingly, all employees will continue to work full time during any lapse in appropriations.

During any lapse of appropriations, the following activities will be suspended:

- (1) hiring employees including the in-processing of new interns and/or pro bono law clerks;
- (2) purchasing equipment, supplies, and contractual services;
- (3) entering into new contractual obligations;
- (4) non-essential training;
- (5) non-essential travel;
- (6) supporting public and private non-adjudicative functions in the court house (e.g. naturalization ceremonies, bar organization meetings and functions, and moot court); and
- (7) attendance of judicial officers at public functions/appearances requiring security personnel.

This order supersedes and vacates General Order 2013-2. This order shall remain in effect during any lapse in appropriations.

Dated this 10 day of October, 2013, at Denver, Colorado.

BY THE COURT



Marcia S. Krieger
Chief United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

LAPSE IN APPROPRIATIONS PLAN

Pursuant to Volume 13, Chapter 2, §220.30 of the Guide to Judiciary Policy, this court adopts the following plan for operating during a lapse in appropriations for the Judiciary.

1. Declaration of Policy. The policy of the United States District Court for the District of Colorado is that essential judicial branch activities will continue.

(a) Because the spirit of the Anti-Deficiency Act requires a very narrow interpretation regarding the performance of other functions by judicial branch personnel during a lapse of appropriations, the only work considered essential is as follows:

(1) activities necessary to support the exercise of the Article III judicial power, i.e., the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;

(2) emergency activities necessary for the safety of human life and the protection of property;

(3) activities otherwise authorized by law;

(4) minimal activities needed for an orderly shutdown of other official functions.

(b) Consonant with these limitations the court will continue to:

(1) hear and decide cases without interruption;

(2) timely file and process all filings, motions, orders, emergency applications, warrants, and other litigation documents;

(3) collect and deposit fees and costs into the Treasury;

(4) accept and process new civil and criminal cases;

(5) continue regular administration of the jury and grand jury system, including payment of jurors;

(6) continue to appoint attorneys for eligible criminal defendants, authorize expert and other services as appropriate, and approve and process vouchers for payment,¹

(7) produce reports on bail or release, or provide other services required by judges in the performance of their constitutional duties;

(8) supervise potentially dangerous offenders (i.e., individuals under supervised release, probation, or parole) and provide needed treatment services; and

(9) handle new cases or maintain existing cases, as necessary to assist the court in implementing its orders and judgments. The court will provide all essential case support with the services of magistrate judges, clerks, probation and pretrial services officers, and others.

¹ Payment of CJA vouchers is currently suspended. Once funding is available, the submitted vouchers will be paid.

District of Colorado
Plan for Emergency Continuation of Essential Functions

(c) The court suspends all activities not specifically authorized in this plan. Such activities include:

- (1) hiring employees including the in-processing of new interns and/or pro bono law clerks;
- (2) purchasing equipment, supplies, and contractual services²;
- (3) entering into new contractual obligations;
- (4) non-essential training;
- (5) non-essential travel;
- (6) supporting public and private non-adjudicative functions in the court house (e.g. naturalization ceremonies, bar organization meetings and functions, and moot court); and
- (7) attendance of judicial officers at public functions/appearances requiring security personnel.

(d) As stated below, all current staff will perform essential functions. Thus, at this time, no staff will be automatically furloughed. Such employees may not take annual or sick leave during any lapse in funding. The applicable court unit executive or judicial officer may approve, on a case-by-case basis, an essential employee's request to be absent from reporting to duty due to hardship, illness, or other similar circumstances. Approval of such a request will place that employee in a furlough status during the duration of his or her absence.

(e) The court will advise the U.S. Marshal Service and the U.S. General Services Administration of the level of services required to maintain continuing operation of the court system.

2. Judges and Their Staff

(a) Each judge is mandated either by the Constitution or a federal statute to continue working despite a lapse of appropriations. Each judge may employ staff, such as law clerks and judicial assistants, which are essential to the resolution of cases.

(b) Although most judges will employ their full complement of supporting personnel to perform essential functions, staff will not be employed or assigned to work on ancillary projects, such as preparing materials for an article or speech, or to perform non-essential administrative tasks.

3. Clerk's Office

(a) This court finds that the clerk's office staff perform essential functions delineated below:

- (1) ensuring the proper and timely processing of all filings, motions, orders, emergency applications, and other litigation documents;

² Even if a contract is currently in place, any actions that would result in further expenses under the contract will be curtailed unless they are clearly in support of designated essential activities. Further, payment on any goods and services acquired during a lapse in appropriations could have payment delayed until funds become available through another continuing resolution or an appropriation. The court's Contracting Officer (CO) will notify contractors prior to an appropriations lapse as directed by the Procurement Management Division

District of Colorado
Plan for Emergency Continuation of Essential Functions

- (2) collecting and depositing fees, costs and criminal debt payments into the Treasury;
- (3) accepting and processing new civil and criminal cases;
- (4) coordinating CJA appointments and processing of vouchers;
- (5) maintaining the CM/ECF system;
- (6) performing regular administrative and support to both petit and grand juries, including payment of jurors in accordance with pre-existing procedures.

(b) The employees performing these functions are listed below.

(1) Administration and Oversight of Office's Statutory Duties

- (A) Clerk of Court
- (B) Chief Deputy Clerk of Operations
- (C) Legal Officer
- (D) Administrative Specialist
- (E) Budget & Facilities Coordinator
- (F) Program Support Specialist

(2) Court Support Teams

- (A) Court Operations Supervisor
- (B) Courtroom Deputies
- (C) Case Administration Specialists
- (D) Interpreters
- (E) ECR and Court Reporters
- (F) Petty Offense Docket

(3) CM/ECF Support Team

- (A) CM/ECF Support Team Supervisor
- (B) CM/ECF Coordinator
- (C) Quality Assurance Specialists
- (D) Administrative Analyst

(4) Intake and Support Services Team

- (A) Intake and Support Services Supervisor
- (B) Intake Generalists

(5) Jury Services Team

- (A) Jury Administrator
- (B) Jury Clerk

(6) CJA/Attorney Services/Appeals Team

- (A) CJA Specialist
- (B) Court Administrative Specialist
- (C) Attorney Services Coordinator

District of Colorado
Plan for Emergency Continuation of Essential Functions

(7) Financial Services Team

- (A) Financial Administrator (vacant)
- (B) Financial Specialists
- (C) Financial Assistant

(8) Pro Se Division

- (A) Pro se law clerks

(b) The Clerk of Court will determine the employees needed to perform essential functions.

4. Probation Office

(a) This court finds that the services of the Probation Department in support of the exercise of the judicial power of the United States are essential.

(b) The employees performing these functions are listed below.

(1) Administration and Oversight of Office's Statutory Duties

- (A) Chief
- (B) Deputy Chief

(2) Bail Reports, Presentence Reports, and Related Investigations

- (A) Supervising Probation Officers
- (B) Probation Officers
- (C) Probation Officer Assistants

(3) Supervision

- (A) Supervising Probation Officers
- (B) Probation Officers
- (C) Probation Officer Assistants

(4) Officer Support, Records Management, Case Management, and Quality Control.

- (A) Administrative Assistants
- (B) Data Quality Analyst
- (C) Supervising and Senior Clerks/Support Specialists
- (D) Clerks
- (E) Receptionists

(5) Budget and Procurement

- (A) Budget and Procurement Officer
- (B) Procurement Specialist

District of Colorado
Plan for Emergency Continuation of Essential Functions

(c) The Chief Probation Officer will determine the employees needed to perform essential functions.

5. Shared Administrative Services

(a) This court finds that services needed to support the performance of essential duties for the judges, clerk's office, probation, and bankruptcy court are essential.

(b) The employees performing these functions are listed below.

(1) Information Technology. Maintenance and support of all systems needed to support essential functions.

- (A) IT Director
- (B) Data Network Administrator
- (C) Systems Administrator/Programmer
- (D) Systems Administrator
- (E) Trainer/User Support Specialist
- (F) User Support Specialists

(2) P3MD/Procurement

- (A) Procurement Administrator
- (B) Procurement Specialist

(3) Human Resources. Performance of duties related to essential duties of judges, clerk's office, probation, and pretrial services staff.

- (A) HR Administrator
- (B) HR Specialists
- (C) HR Assistant

(d) The Clerk of Court, in coordination with the Chief Probation Officer, and Clerk of the Bankruptcy Court, will determine the employees needed to perform essential functions

ADOPTED BY THE COURT ON: October 10, 2013